

1 UNITED STATES OF AMERICA
2 SOUTHERN DISTRICT OF NEW YORK
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3 UNITED STATES OF AMERICA,

4 v.

20 Cr. 160 (MKV)

5 LISA GIANNELLI,

6 Defendants.

Trial

7 -----x

New York, N.Y.
April 28, 2022
9:35 a.m.

9 Before:

10 HON. MARY KAY VYSKOCIL,

District Judge
-and a jury-

13 APPEARANCES

14 DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

15 BY: SARAH MORTIZAVI

16 BENJAMIN GIANFORTI

Assistant United States Attorneys

17 FASULO, BRAVERMAN & DiMAGGIO, LLP

Attorneys for Defendant Giannelli

18 BY: LOUIS V. FASULO
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1 (Trial resumed; jury not present)

2 THE COURT: Good morning, everyone. Is there anything
3 we need to discuss before we bring our jurors out?

4 MR. FASULO: There is, actually, Judge, a small -- are
5 the jurors ready, because it's not a --

6 THE COURT: They are ready, but that's okay.

7 MR. FASULO: It's a very brief concern.

8 In the last trial, I had a conversation with the U.S.
9 attorney about the way they're introducing text messages back
10 and forth between parties where the witness isn't a party to
11 the text message, and it doesn't relate to that witness'
12 testimony, unless, of course, that witness used it in their
13 investigation and relied on it. And I understand they used the
14 methodology because the witness was on the witness stand. They
15 had some --

16 THE COURT: Mr. Fasulo, when you're speaking, you can
17 take your mask off.

18 MR. FASULO: This would be better.

19 Whether the witness was -- let me get back.

20 THE COURT: I'm sorry. Let me interrupt you. Let's
21 get appearances on the record.

22 MR. FASULO: I'm sorry.

23 THE COURT: Ms. Dempsey isn't here today, so let me
24 ask, starting with the government, can we please have your
25 appearances for the record?

1 MS. MORTAZAVI: Good morning, your Honor.

2 Sarah Mortizavi and Ben Gianforti for the government.

3 We also have Karline Jung from out office at counsel table, and

4 Special Agents Tim Bergen and Bruce Turpin with the FBI.

5 THE COURT: Good morning.

6 MR. FASULO: Good morning, your Honor.

7 Louis Fasulo, along with Sean McCabe, my paralegal,

8 and Ms. Lisa Giannelli, the defendant, sitting at counsel

9 table.

10 THE COURT: Good morning, Ms. Giannelli.

11 MR. FASULO: Judge, I have a brief issue. I would

12 like to address the Court.

13 THE COURT: Sure.

14 MR. FASULO: During the course of the last trial, it

15 came to counsel's attention that the government had used

16 witnesses that would read what was stipulated to by both

17 parties into evidence, even though those witnesses were

18 unrelated to the stipulated testimony.

19 And it's our feeling that if you have a witness, for

20 example, an expert or somebody who's testifying about a certain

21 area, and they are to be judged as to the credibility and the

22 usefulness of what they're giving in that area, to have the

23 witness then go into an area which they're not really related

24 to but just for convenience's sake, read part of a transcript

25 that has been admitted by stipulation into evidence, it's not

1 part of their investigation, it doesn't go into anything that
2 they have been testifying about, it gives the jury a wrong
3 impression as to what the value of that testimony is.

4 The documents speak for itself. The evidence speaks
5 for itself. I understand the jury -- the government wants to
6 get it in front of the jury. In most trials, the government
7 would read it in themselves because there would be small
8 snippets. In this case, unfortunately, there are larger
9 snippets. So I'm willing to be flexible in this area, and I
10 understand the struggle.

11 But I did tell the government I anticipate, if they're
12 going to have a witness just read ad nauseam all of the e-mails
13 between parties that this witness wasn't a part of or didn't
14 use in their particular investigation, that it could give the
15 jury the wrong impression as to the value of that testimony as
16 seen through that witness' eyes; meaning if that witness is
17 very credible, they could put more weight onto that testimony
18 versus just the nature of the words themselves, the texts
19 themselves, et cetera.

20 THE COURT: What are you asking me? Or are you just
21 calling to my attention?

22 MR. FASULO: I'm calling it to your attention. And we
23 discussed with the government that my preferred -- I think the
24 government can read it in. That's within their purview. They
25 can ask questions about it. But I think to have a witness who

1 may be perceived in a certain light by the jury reading it in
2 when it doesn't have anything to do with that witness'
3 testimony, and it's not part of that witness' investigation, I
4 think is not proper.

5 THE COURT: So your contention is it's not proper for
6 them to do that?

7 MR. FASULO: Unless it relates to the testimony. If
8 it relates to the testimony, it absolutely is. If the witness
9 knows about the text message and affected what they're
10 testifying to, it's relevant. But just to have the witness
11 read in somebody else's testimony because it existed is, one,
12 duplicitous, and the words speak for themselves.

13 THE COURT: All right. Let me hear from Ms. Mortizavi
14 first.

15 MS. MORTAZAVI: Yes, your Honor. There is some
16 documentary evidence here, and much of it involves discussions
17 between coconspirators, which means none of our witnesses are
18 going to be parties to those communications. That shouldn't
19 prevent anyone from reading it into the record, whether it's
20 the government, whether it's a witness, whether it's an expert
21 witness. They should be entitled to read in whatever is in
22 evidence. It's properly before the jury.

23 We will make clear, for example, with agents who are
24 being called for a limited purpose because they have
25 involvement for perhaps one day or two days of a search that

1 occurred as part of this case that they did not otherwise have
2 any involvement. They will not be opining on what they're
3 reading. It's simply to present it to the jury in a particular
4 manner which is to not have government counsel read it.

5 THE COURT: All right. Look. Is this issue going to
6 come up with respect to the first witness?

7 MR. FASULO: Yes.

8 THE COURT: All right.

9 MR. FASULO: I understand that, and the Court will
10 make its ruling. I ask the Court to give an instruction to the
11 jury that the fact that it's being read by that witness is a
12 way of getting it into evidence. You know, that witness is --
13 what I'm saying is that witness' credibility doesn't go to the
14 underlying nature of what was being said.

15 THE COURT: Correct. I want to move along because you
16 should have told me ahead of time you had this issue because I
17 told the jurors we would try to start promptly. They're here.
18 They're ready to go. They've been very punctual.

19 The reality is if something -- you can sit,
20 Ms. Mortazavi. If something is stipulated to, it can come into
21 evidence. It is evidence, and it can be read to the jury at
22 any point in time. You are correct, Mr. Fasulo, it's not tied
23 to the witness, and you're free to point that out during
24 cross-examination. If the parties want to stipulate to a brief
25 instruction that I would give, I'm happy to do that. And I can

1 clearly tell the jury when Ms. Mortazavi says, I have something
2 I want to offer.

3 I don't really recall witnesses reading somebody
4 else's transcript. I recall you playing them. But let's see
5 how it goes. But the reality is if there's no objection to
6 evidence, it can come in.

7 MR. FASULO: Very well.

8 THE COURT: All right. Anything else that we need to
9 talk about?

10 MS. MORTAZAVI: Nothing from the government.

11 MR. FASULO: Nothing from the defense.

12 THE COURT: All right. Thank you. All right. So can
13 we please bring our jurors in?

1 (Jury present)

2 THE COURT: Good morning to our jurors, and thank you
3 so very much for being here so punctually.

4 Just so you realize -- you're all a little confused --
5 we were standing for you. We do that each time the jury enters
6 and leaves the courtroom out of a sign of our respect for you
7 and our thanks to you for enabling our jury system to work the
8 way it's supposed to work.

9 So in a few moments, we're going to begin the trial in
10 this case. I just want to remind you of a few things before we
11 get going:

12 First, I remind you that you are under the oath that
13 you took as jurors. That oath obligates you to keep an open
14 mind and not to discuss this case or issues involving the case
15 with anyone, and that includes close family members, friends.
16 You're not to do any research on the Internet about the case.
17 If you should happen to hear or read anything about the case or
18 issues related to the case, I'd ask you to please bring that to
19 the attention of my courtroom deputy.

20 I hope you've all met Mr. Lee, who's standing in today
21 for Ms. Dempsey, who had a longtime preexisting engagement.

22 All right? So with that, as I said, in a few moments
23 we're going to begin the trial with opening statements from
24 counsel. But I just want to remind you about, or give you some
25 new information about what to expect and about a few principles

1 of law that you should keep in mind during the trial. I will
2 give you detailed instructions at the close of the case, but
3 these are just some preliminary matters.

4 So as I told you yesterday, each day we will begin at
5 around 9:30 or 10:00. I'll let you know that at the end of
6 each day what time we'll be starting the following day. As we
7 told you, and as we did this morning, we'll provide a light
8 breakfast for anyone who gets here early, that will be in room
9 9A, starting at 8:30 each morning if you arrive early enough to
10 enjoy it. Ms. Dempsey showed you where that is, and I think
11 some of you found your way to the room this morning.

12 That room is also where you will eat lunch so that you
13 can distance from one another, if you choose to do so, eating
14 at the courthouse as opposed to trying to eat outside
15 somewhere.

16 As I told you yesterday, I think we'll take a short
17 break each morning for people to use the restroom, stretch,
18 break, that sort of thing. We'll take lunch each day from
19 around 12:30 or so to 1:15. We'll be a bit flexible depending
20 where we're at with a particular witness' testimony in terms of
21 the exact time of the lunch break, but that's roughly what it
22 will be.

23 I think you might have seen yesterday or the earlier
24 days when you were here waiting to be called for a particular
25 trial, if you have to go out and buy food, you're not going to

1 have a whole lot of time to come and sit and have lunch. So
2 you might want to think about bringing lunch with you each day.
3 But, obviously, that's up to all of you.

4 Then, again, we'll take another stretch break each
5 afternoon. We'll try to conclude testimony by 4:30 or 5:00 at
6 the very latest each day so that we can get you on your way. I
7 should tell you too that tomorrow we're going to conclude at
8 3:00 p.m. It's Friday afternoon. Somebody had a preexisting
9 commitment, and it's just, I think, easier for all of you, with
10 the start of the weekend, to conclude a little bit early. So
11 we'll be doing that tomorrow.

12 So we're going to start our trial with opening
13 statements from the parties. First, you'll hear from the
14 government, and thereafter, you will hear from the defendant.

15 This is an opportunity for the lawyers to give you a
16 sense of what they think the evidence will be at trial and what
17 they think you should expect to learn and find out during the
18 presentation of evidence.

19 After opening statements, the government will present
20 its evidence. It will call witnesses one at a time. They'll
21 come up here to the witness stand next to the bench. They'll
22 be sworn, and they will present testimony to you. After that,
23 defense counsel will have the opportunity to ask questions of
24 the government's witnesses, and that is called
25 cross-examination. The government might then have some

1 follow-up questions. That is called redirect. And if the
2 defense wishes, it may have recross of each witness until any
3 given witness is finished testifying.

4 After the government calls its last witness, it will
5 rest its case, and the defense will then have a chance to call
6 witnesses. But I want to remind you that the defendant has no
7 burden to call any witness or to present any evidence
8 whatsoever. The burden at this trial in a criminal case is
9 always and exclusively on the government to prove beyond a
10 reasonable doubt that the defendant is guilty of the crime with
11 which she has been charged. Now, having said that, of course,
12 the defendant may call witnesses, if she wishes to do so.

13 After the evidentiary record is complete, there will
14 be an opportunity for the lawyers to make closing arguments to
15 you. That's their opportunity to argue to you about what they
16 believe the evidence has shown and how they think you ought to
17 render a verdict in this case.

18 After that, I will give you the detailed instructions
19 on the law that I have been telling you you will receive. And
20 you will then retire to the jury room in the back and
21 deliberate until you reach a verdict. All right?

22 So as I mentioned yesterday, in our system of justice
23 here in America, judges and juries have separate roles. My job
24 is to instruct you on the law, and as I just said, I will
25 largely do that at the end of the case.

1 Your job as jurors is to decide all of the fact issues
2 of this case based solely on the evidence presented in this
3 courtroom during the trial. You are the only triers of the
4 fact issues, and your decision will control the verdict that
5 will be rendered here. I want to just remind you again, please
6 do not take anything that I say or do during this trial as an
7 indication of what your verdict should be. You should pay
8 close attention to all of the evidence at trial.

9 The evidence will come in in three different general
10 categories. The first category, as I mentioned to you, is
11 testimony from the witnesses who are called by the parties,
12 with one exception that I'll talk to you about later. All of
13 the witnesses are going to testify, as I said, from this
14 witness stand here. Testimony given by a witness under oath is
15 evidence that you may consider in reaching your decision.

16 The second category of evidence consists of documents
17 and exhibits that are formally received into evidence during a
18 trial.

19 And the third category of evidence is stipulations
20 between the parties, stipulations or agreements between the
21 parties. If the parties stipulate to certain facts or to what
22 a witness would say if the witness were to come here and
23 testify but doesn't, that stipulation is evidence.

24 Now, there are other things that are going to happen
25 during the trial that are not evidence. So I want to just make

1 clear to you that a question asked by a lawyer before the
2 witness answers is not evidence, and any statements made by
3 counsel, including opening statements and closing arguments to
4 you, are not evidence. Anything that I exclude during the
5 trial or that I strike from the record or that I tell you not
6 to consider is not evidence.

7 Finally, and this is very, very important, anything
8 that you see or you hear or you read outside of this courtroom
9 is not evidence. Your verdict in this case must be based
10 solely on the evidence that's received in this courtroom.

11 Now, in this case, we're going to permit you -- I see
12 you all already have your notepads, so you already know this.
13 We're permitting you to take notes during the trial. If you
14 want to take notes, you're free to do so. You're not obligated
15 to take notes, though, people absorb information differently.
16 If it would be help for you to take notes, but don't feel
17 obligated to take notes just because other people are doing
18 that.

19 If you do take notes, please be sure that taking your
20 notes doesn't interfere with your listening to the witness on
21 the witness stand or considering all of the evidence that's
22 presented in this case.

23 Also, if you do take notes, please do not discuss your
24 notes with anyone during the trial or even during
25 deliberations. When you leave at the end of the day, please

1 leave your notebooks on your chairs at breaks, first of all,
2 and then in the jury room at the end of each day. It will be
3 there for you when you come back the next day. Do not take
4 your notebooks home with you, please.

5 If you take notes, those notes are to be used solely
6 to assist you, and your notes are not a substitute for your
7 recollection of the evidence that you hear in this case.

8 In addition, the fact that a particular juror has
9 taken notes does not entitle that juror's view to any greater
10 weight than the views of any other juror when you go back to
11 deliberate. And, again, as I said before, you may not show
12 your notes to any other juror during deliberation. They are
13 your personal notes for your own reference.

14 If during the deliberations you have any doubt as to
15 what the testimony was, you'll be permitted to ask that the
16 official trial transcript, which is being taken by our court
17 reporters who are sitting right here in front of the witness
18 stand and transcribed each day into a printed volume, you'll
19 have the right to request that those transcripts be made
20 available to you and read allowed to refresh your recollection
21 about what the testimony was. So I thank you for that.

22 Now I just, again, remind you from this point on,
23 until you retire to deliberate on your verdict, it is your
24 duty, your sworn duty, not to discuss this case and not to
25 remain in the presence of any other people who maybe discussing

1 the case.

2 This rule about discussing the case with others
3 includes discussions, even with members of your own families
4 when you go home each day and with your friends. If at any
5 time during the course of the trial any person attempts to talk
6 to you or communicate with you about the case, either in or out
7 of the courthouse, please immediately report that attempt to me
8 through our courtroom deputies; today Mr. Lee, on all other
9 days, Ms. Dempsey

10 Let me explain to you that the attorneys and the
11 defendant in this case are not supposed to speak to you either.
12 Even if you happen to see them in the hallway, they are not
13 permitted to speak with you, even to offer a friendly greeting.
14 So if you happen to see one of them outside of this courtroom
15 on your way in or your way out, they will, and they should,
16 ignore you. Please don't take offense at that. They are
17 simply acting properly by doing so.

18 Just as you may not have any in-person communications
19 about the case, you shouldn't communicate with anyone by cell
20 phone, through e-mail, BlackBerry, if those still exist,
21 iPhones, text messaging, Twitter, any blog or website, any
22 Internet chatroom or any other social networking websites like
23 Facebook, Instagram, YouTube, some of the others people
24 mentioned that I never even heard of.

25 Also, you can't use any of these tools to post.

1 Information about the case on the Internet during the
2 trial. I remind you to please do not do any research or make
3 any investigation on your own about any matters relating to
4 this case or this type of case. That means, for example, you
5 shouldn't consult reference works, dictionaries, Wikipedia,
6 don't search the Internet, websites, blogs, or use any other
7 electronic tools to obtain any information about this case or
8 the subject matters involved in the case. Don't research about
9 parties to the case or anyone else who may be involved.

10 You must decide this case based only on the evidence
11 that is presented in this courtroom and my instructions to you
12 at the close about the law. It would be improper for you to
13 supplement that information on your own.

14 All right. With these preliminary instructions, then,
15 we'll now start the trial, and we'll hear from the government
16 with its opening statement.

17 MR. GIANFORTI: Thank you, your Honor. Good morning.

18 THE COURT: Mr. Gianforti, please.

19 MR. GIANFORTI: Good morning.

20 For almost 20 years, Lisa Giannelli, the defendant,
21 sold unsafe, unapproved, and unlawful drugs to corrupt
22 racehorse trainers to help them win races for money. She sold
23 them doping drugs, and she helped them not get caught when they
24 used those drugs on their horses.

25 How? By selling them drugs that wouldn't show up on

1 the drug tests that are administered by the state agencies that
2 regulate horseracing. Ladies and gentlemen, the defendant
3 wasn't just in the doping business, she was in the deception
4 business too.

5 For nearly two decades, the defendant who was also
6 known as Lisa Ranger by her customers, sold huge amounts of
7 drugs to dishonest racehorse trainers. Those drugs included
8 performance enhancing drugs that trainers injected into their
9 horses to push them beyond their natural abilities. Drugs to
10 make them race faster. Make them race longer. Drugs to make
11 them run through pain and through injury. The trainers did
12 this in clear violation of state horse racing rules, but they
13 did it in way. Why? Because fast horses win money.

14 But the defendant's drugs also had something extra.
15 They were designed to be untestable on state drug tests. State
16 agencies put these tests in place for a reason. They know
17 there's a temptation to cheat in horseracing because so much
18 money is on the line. So the authorities put in place drug
19 tests to catch trainers who violate the sport's antidoping
20 rules.

21 The defendant helped corrupt trainers get around those
22 rules by selling untestable performance enhancing drugs,
23 because not getting caught wasn't just important to the
24 trainers, it was extremely important to the defendant herself.
25 Getting caught by a government agency could have serious

1 consequences, including what the defendant wanted to avoid the
2 most: The authorities shutting her down.

3 Over the course of this trial, you're going to hear
4 about the huge lengths the defendant went to to avoid getting
5 caught by the authorities. You'll hear about drug labels
6 designed to throw the authorities off the defendant's trail.
7 You'll hear about drugs designed to be untestable. And you'll
8 hear about the defendant's lies and deceit. By selling these
9 illegal drugs and telling these lies, the defendant committed a
10 federal crime, and that's why we're here today.

11 In this opening statement, I'm going to do two things.
12 First, I'm going talk to you about what the evidence at this
13 trial is going to show, and then I'll talk to you about how we
14 expect the evidence will prove our case. So let's start with
15 what we expect the evidence will show over the next several
16 days.

17 The world of professional horseracing is highly
18 competitive, and for the winners, highly lucrative. So there's
19 huge temptation for racehorse winners to win races however they
20 can, including through fraud because that's what doping
21 racehorses really amounts to: Fraud.

22 To protect against this sort of cheating, each state
23 has an agency that enforces rules designed to prevent the use
24 of performance enhancing drugs in racehorses. Those rules
25 include outright bans on some substances, as well as

1 restrictions on giving drugs to horses on a race day. To
2 enforce these rules, state racing authorities drug test horses
3 to make sure no banned substances are in their system.

4 That's where the defendant came in. The defendant
5 sold drugs that were designed to get around antidoping rules.
6 She did that through a company called Equestology. And you'll
7 learn Equestology was nothing more than an illegal doping
8 factory that made money by helping dishonest trainers defraud
9 state racing authorities.

10 The defendant was Equestology's main salesperson. She
11 was also involved in running the business day-to-day along with
12 a corrupt veterinarian. This vet created the untestable drugs
13 and the defendant sold them. Over the years, Equestology took
14 in millions of dollars in revenue, and the defendant took home
15 six figures a year in sales commissions. All that money came
16 from helping corrupt trainers avoid getting caught for
17 violating the antidoping rules.

18 During this trial, you're also going to learn about
19 some of the performance enhancing drugs that Equestology made
20 and the defendant sold. The untestable drugs at the heart of
21 the defendant's business. For example, there were drugs that
22 boosted a horse's red blood cell count, which helps with
23 endurance. These are known as blood builders. They had names
24 like BB3. BB stands for blood builder. There were drugs that
25 increased a horse's testosterone to unnatural levels. This

1 helps with strength. There were drugs that prevented a horse
2 from feeling pain so they could run through injuries. These
3 drugs were designed to help horses race better. These drugs
4 were also designed to not show up on drug tests, even when
5 those tests were administered within hours of a race.

6 This was an insurance policy to keep the defendant and
7 the crooked trainers who used her drugs from getting caught by
8 the state racing authorities. But, ladies and gentlemen, the
9 defendant wasn't just worried about the state racing
10 authorities. She was also worried about drug regulators, state
11 agencies and federal agencies like the Food and Drug
12 Administration or FDA, which administers all drugs, including
13 drugs intended for animals, just like you can't go out and sell
14 unapproved drugs for humans, you can't go out and sell
15 unapproved drugs for animals. There are federal laws and
16 regulations that govern how drugs can be manufactured and sold.
17 Those laws are there to keep the consumers of those drugs safe,
18 whether they be humans or animals.

19 In order to ensure the safety of a given drug, the FDA
20 must approve it before it is sold. The drug has to be
21 manufactured in a facility, registered with the FDA. The drugs
22 have to have labels that contain important information to
23 ensure the drug is used safely and that the manufacturer can be
24 traced if something goes wrong. And perhaps, most obviously,
25 the FDA requires a prescription drug be sold only when there's

1 a valid prescription from a doctor or a vet.

2 Did the defendant's drugs follow any of these rules?

3 No. Not one. The defendant's entire business model was
4 premised on selling unapproved untestable performance enhancing
5 drugs without a prescription. And if a regulator stumbled upon
6 a bottle of one of the defendant's drugs, no problem. Because
7 the defendant's name, Equestology's name, and Equestology's
8 address were nowhere to be found on that bottle.

9 What you will learn is that if a drug violates any of
10 the FDA rules I just described, it is considered to be
11 misbranded or adulterated. These are legal terms that you'll
12 come to understand. It's a federal crime to sell misbranded
13 and adulterated drugs, especially if you do it while trying to
14 mislead the authorities. That's exactly what the defendant did
15 for nearly two decades.

16 So how did the defendant keep her illegal doping
17 business going for all these years? First, she hid behind the
18 corrupt vet's medical license. To anyone who asked,
19 Equestology was a company ran by a legitimate vet. In reality,
20 the vet was only a vet on paper, and Equestology was nothing
21 more than that a doping mill.

22 You'll learn the vet behind Equestology didn't
23 actually practice as a vet, and the defendant knew it. She
24 knew he didn't examine horses. She knew he didn't keep track
25 of patient files. She knew he didn't diagnose actual medical

1 conditions. She knew he didn't write actual prescriptions.
2 This vet was in the doping business, not the medical business.

3 Instead, you'll learn that the defendant used the
4 corrupt vet's license as cover for selling unapproved
5 performance enhancing drugs to racehorse trainers looking to
6 dope their horses, and also used the vet's license to order
7 prescription drugs in bulk from various suppliers so she could
8 sell them to horse trainers who had never even spoken to a vet.
9 And if the authorities came sniffing around, the defendant
10 could always say, don't ask me. The vet told me it was okay.

11 You'll also learn the defendant was very careful about
12 who she sold to. Remember, this wasn't a normal legal business
13 that could operate out in the open. The defendant only wanted
14 to sell the horse trainers who wouldn't snitch. In other
15 words, the defendant wouldn't sell to honest racehorse trainers
16 who might turn her into the authorities.

17 Finally, you'll learn that when the hammer almost came
18 down on the defendant, she lied to the authorities to save her
19 skin. In 2011, the state of Delaware investigated the
20 defendant after she sold a racehorse trainer a drug that was
21 not approved by the FDA. And when her back was up against the
22 wall, what did she do? She lied through her teeth. She
23 claimed that she didn't sell drugs for the corrupt vet. She
24 said she just delivered veterinarian supplies for him. She
25 said she was basically a UPS driver.

1 During this trial, you'll learn just how far from that
2 truth that really was. But that time, ladies and gentlemen,
3 the defendant's lies worked. She got out of trouble and went
4 right back to business as usual: The business of helping
5 corrupt trainers defraud state racing authorities by illegally
6 doping their racehorses. So that's what the evidence will
7 show.

8 Now, let's talk about how we'll prove the defendant is
9 guilty beyond a reasonable doubt. You're going to see the
10 drugs that the defendant sold. You'll see some of the actual
11 drugs here in the courtroom, and you'll see photographs of the
12 hundreds of vials of drugs that were confiscated from the
13 defendant and the warehouse where Equestology were stored.
14 You'll see the name Equestology was nowhere to be found on a
15 customized label slapped on the defendant's drugs. That way it
16 was harder, if not impossible, to trace those drugs back to the
17 defendant.

18 You're also going to see the defendant's text messages
19 and e-mails. She took orders from customers this way. This is
20 also how she communicated with others at Equestology about the
21 huge amounts of products she needed to keep pumping out drugs
22 to her buyers. You'll see the money Equestology was making,
23 millions of dollars, and the money the defendant personally
24 collected in sales commissions.

25 You'll hear from expert witnesses who explained to you

1 how the drugs the defendants sold can enhance a horse's
2 performance and how the FDA regulates drugs sold in the
3 United States. You'll also hear from firsthand witnesses about
4 how the defendant's illegal doping business worked, including
5 the secrecy of the defendant's sale's tactics. You'll hear
6 about the custom-made performance enhancing drugs the defendant
7 offered for sale. You'll hear the buyers didn't need
8 prescriptions for any drug if they wanted it. As long as you
9 were willing to pay and you kept your mouth shut, the defendant
10 would sell to you.

11 Let me be clear: The defendant's buyers broke the law
12 and committed crimes. You're going hear from some of them.
13 These trainers gave their horses the illegal performance
14 enhancing drugs to win races and win money, and they tried to
15 hide it from state racing authorities.

16 Some of these witnesses have pled guilty to committing
17 federal crimes as a result of their conduct. When these former
18 clients testify, you should scrutinize their testimony and ask
19 how it fits in with all the other evidence in the case,
20 including the drugs, the text messages, the documents, and
21 perhaps, most importantly, ladies and gentlemen, the wiretap
22 recordings.

23 The investigation of this case involved the use of a
24 wire trap on the defendant's phone, so you're going to hear the
25 defendant herself in her own words when she thought the

1 authorities weren't listening. Her own words when she was
2 talking to one of her dishonest buyers. Her own words when she
3 was talking to the corrupt vet. What you'll hear is she knew
4 full well Equestology was an illegal doping factory, and that
5 she needed to keep a low profile only sell the trusted clients
6 and avoid getting caught. Why? Because if she got caught, it
7 would all come crashing down.

8 Ladies and gentlemen, I'm about to sit down. But
9 before I do, I'd like to ask you do three things during this
10 trial:

11 First, please pay close attention to the testimony and
12 the exhibits. Second, please listen carefully to and follow
13 the Court's instructions on the law. And third, please use
14 your common sense to evaluate the evidence, the same common
15 sense you use in your everyday lives. If you do those three
16 things, you'll reach the only verdict that is consistent with
17 the evidence: That the defendant is guilty beyond a reasonable
18 doubt, thank you.

19 THE COURT: Thank you, Mr. Gianforti.

20 Mr. Fasulo.

21 MR. FASULO: Thank you, your Honor.

22 So you just heard the government tell you what they
23 believe the evidence is going to show you. You're role however
24 is to listen to the evidence. Your role is to assess the
25 evidence, and your role is to come to a verdict at the end of

1 this case. Nothing I say or Mr. Gianforti says is evidence.
2 You'll hear the evidence, you'll see the evidence, you'll see
3 hundreds of pieces of evidence during the course of this trial,
4 a lot of testimony, we embrace that. And you'll see the
5 evidence and make your own judgments of this case.

6 I agree with them. One thing I agree clearly, I want
7 you to keep an open mind. I want you to use your commonsense
8 and your life experiences. And I want you to be fair, and I
9 want to you listen to the judge's instruction, and I want you
10 to render a verdict, a fair and just verdict, and one which we
11 believe at the end of the case when we come back to you would
12 be one of not guilty.

13 Let me tell you what this case is about and what it's
14 not about. This case is about one person, and I'd ask my
15 client, Ms. Giannelli, to please stand.

16 The case is about Lisa Giannelli. And as the judge
17 told you in the case, the government has the burden of proof.
18 The government is the one who must prove this case beyond a
19 reasonable doubt. And as Ms. Giannelli stands there right now,
20 she's to be presumed not guilty. Not guilty. And that
21 presumption will go with you after you hear the judge's charge,
22 into the jury room, until and unless your verdict is
23 different -- Ms. Giannelli you may sit.

24 The defense has no burden in this case, but in this
25 case you will hear from Ms. Giannelli. So I ask you, after you

1 hear all the government's testimony, to keep an open mind, and
2 to know that there's more coming. And she will tell you what
3 she did, why she did what she did, what she knew, and what the
4 government's evidence really means. We're not hiding from it;
5 we embrace it.

6 What this case is not about: This case is about one
7 thing. One charge in the indictment. It's whether or not
8 Lisa Giannelli, as the judge will instruct you, broke a federal
9 law which has to do with misbranding, adulteration of drugs,
10 entering into a conspiracy with the intent to defraud the
11 racing commission. The judge will give you a more clear
12 description of that at the end of the case, but that's what
13 this case is about.

14 It's not about whether or not we like performance
15 enhancing drugs. It's not about whether or not we like horse
16 racing or we like animals to be subjected to the giving of
17 drugs. It's not about a vet who had his own motives that were
18 not shared with Ms. Giannelli. And it's not about Dr. Fishman,
19 the vet who you'll hear a lot about in this case. It's about
20 Lisa Giannelli.

21 In sports winning, winning, is the ultimate goal.
22 Whether you're going for the Stanley Cup like the Rangers or
23 whether you're in a boxing match, or whether you're in a
24 gymnastics performance in the Olympics. Athletes want to win.

25 In the world of horse racing and dog racing and

1 thoroughbreds and standardbreds, we rely on people to care for
2 those animals because they don't have choices. They don't
3 decide they're going to be a racehorse. Owners who buy horses
4 decide whether they're going to race those horses. And in
5 fact, they race those horses, owners have trainers, have
6 groomsmen, have staffs that help to train and optimize the
7 performance of those horses.

8 Horse racing, boxing, extreme sports, they're all part
9 of a culture. It's not whether or not we like those sports or
10 whether we condone those activities. But it is part of
11 American's culture. People do engage and enjoy those sports.
12 Horseracing is a sport and in its purest form.

13 How it's manipulated and why it's manipulated go to
14 the people in that sport. They are charged with certain
15 responsibilities and have certain roles, to adhere to the rules
16 of those sports.

17 A boxing trainer has the opportunity to buy weighted
18 gloves to train their boxers so that their arms get stronger
19 and their punch is harder. Boxing trainer is not allowed to
20 put a weighted glove into a boxing ring on a fight if, in fact,
21 the fight doesn't call for that weight of that glove. He makes
22 that judgment. There are rules. There are rules. And in
23 sports, everybody needs to follow the rules.

24 Lisa Ranger, married name, Lisa Giannelli, her
25 unmarried name, and Lisa Voshell, her newly married name, not

1 an a/k/a, not a deception, that's who she is during the various
2 parts of her life. We'll address her in this case as
3 Lisa Giannelli because during this investigation, most of the
4 time she was known as Lisa Giannelli or Lisa Ranger. She's
5 more recently married, as you'll find out.

6 What I'm telling you, ladies and gentlemen of the
7 jury, is optimizing performance winning is part of the sport,
8 and we accept that, and Lisa accepted that. But Lisa also knew
9 a lot about the sport. She grew up in the horse world. She
10 grew up being a groomsperson. She was a trainer at some point.
11 She worked with horses her entire life.

12 At some point, she met Dr. Fishman who was a vet, who
13 went around to examine and perform veterinary duties at various
14 farms. During her relationship with Dr. Fishman, her
15 professional relationship, he engaged her, he had a faltering
16 practice. He was faltering because he was selling to the wrong
17 people. He was not making money. He had no office management
18 skills. He was a mess. Lisa is not a mess. Lisa is
19 organized. Lisa is a hard working individual. Lisa has worked
20 since she came out of high school. She learned everything she
21 knew from people around her. And she worked hard. Dr. Fishman
22 saw that. He engaged her about 18 years ago to work with him.

23 In the beginning, there was one role for Lisa, and she
24 did drive with Dr. Fishman and go to different places, and she
25 seemed like she was learning more of the industry as she went

1 from farm to farm. As the job developed, she began working out
2 of Delaware, which is her home, and she would fulfill orders
3 for medications that the doctor knew and prescribed for horses,
4 as Lisa understood it.

5 How did she know that? Because every day at the end
6 of the day, Lisa would put in -- not at the end of the day.
7 When orders were put in, Lisa would put into a system, an
8 online system that she had called Avimark. You'll learn about
9 it during the course of this trial. In that system, she could
10 put who was asking for medications, what they were asking for,
11 what was sold, what were the prices, and how many were going to
12 be sent to that location.

13 So the government is right. She did fulfill orders.
14 But who knew about those orders, and why did she fulfill those
15 orders? Because she had on her desk a number of licenses from
16 Dr. Fishman. A licensed vet in a number of states. And she
17 knew Dr. Fishman had access to that same system on a daily
18 basis. And as an employer, Dr. Fishman, he would review that
19 Avimark system. And at no time you'll learn did Dr. Fishman
20 ever tell Lisa Giannelli that she was doing anything wrong and
21 fulfilling those prescriptions.

22 What else will you learn? You will learn through the
23 wiretaps, through the conversations that were had, that
24 trainers would call Lisa, owners would call Lisa, and ask her
25 about different medications. And just like in any medical

1 office, sometimes the receptionist knows a little bit about
2 what you're getting, and a heads up whether you should take it
3 with water, don't take it before you eat your meals, but she
4 was clear: She was not the vet, she was not the doctor, that
5 the doctor was Dr. Fishman. And if they had questions dealing
6 with the medical care of their animal, their horse, they needed
7 to talk to Dr. Fishman.

8 You will hear her say that, not only in the courtroom
9 here, but you will hear it in the conversations that she had
10 over the course of this investigation.

11 What was her job? Her job was to work under
12 Dr. Fishman. Work under Dr. Fishman. Who did she sell to?
13 Before she came on, she learned Dr. Fishman had clients that
14 didn't pay. The industry was filled with degenerates. Filled
15 with people that would put orders into the doctor's office, ask
16 for certain prescriptions, and not pay on their prescriptions.
17 And she will tell you the mechanism she put in place to ensure
18 that Dr. Fishman would deal with people that would at least pay
19 their bills on a regular basis.

20 You'll also see that she inventoried items. She
21 didn't create items. She didn't create labels. She didn't
22 create the compounds that were being sold. She received them.
23 She received them from three sources, mostly from vendors,
24 other places, other producers of these drugs -- just like we
25 get our drugs, they come from different pharmaceutical

1 companies. And they would be sent to Lisa. They would then be
2 packed and sent out. That was one way.

3 Second, she would receive those drugs from Florida
4 where Dr. Fishman was because Lisa was in Delaware.
5 Dr. Fishman and his operation of compounding and creating the
6 medications, he was in Florida running a whole separate entity.
7 Lisa would receive certain things from Dr. Fishman's Florida
8 operation, and she would then distribute it to the customers
9 and clients that she had on a list. That was the second one.

10 And the third is she would receive it from compounding
11 companies. They would come to her. She'd report in on the
12 Avimark system what it was, and she'd send it out for delivery.

13 That's what Lisa did. She kept the doctor in order.
14 She made sure people got their materials. She sought to save
15 them money on shipping so if they were ordering two, sometimes
16 they'd order one more of the item so they'd get free shipping,
17 and the doctor was aware of that.

18 Let's talk about the vet's role here too because we're
19 familiar with vets. Many of us from our own animals or people
20 we know who have animals. These are horse veterinarians.
21 Right? There are stables, barns of a number of horses, right?
22 And in those barns, there are needs of all the horses. So
23 there's a different regulation and requirement for the vet as
24 it relates to both farm animals -- horses on farms, horses at
25 the track, and individual animals that they have to actually

1 examine. And you'll hear about that during the course of this
2 trial.

3 Lisa understood that the vet was doing his job, that
4 Fishman was doing his job, and she was fulfilling the orders.
5 You will see that during the course of the testimony. You'll
6 see Lisa's relationship with the doctor for over 16 to 18
7 years.

8 And what the case is going to come down to, ladies and
9 gentlemen: Intent. Intent. At the end of the day, the issue
10 that you must judge in this particular case is what was Lisa
11 Giannelli's intent? What was she thinking? Why did she do
12 what she did? What did she do? What are these conversations
13 about? And what did they mean? And who knows that? The party
14 to the conversation: Lisa Giannelli. And she will tell you.

15 And at the end of the case, the judge will give you an
16 instruction on the element of intent as it relates to this
17 charge of conspiracy. And you will find that the government
18 will not be able to prove intent beyond a reasonable doubt.
19 Because you will learn from Lisa who will get up there and
20 testify about her whole life, basically 18 years of her life,
21 her whole working life, that what she did and why she did it,
22 and we're confident that when you listen to her testimony, and
23 if you keep an open mind, and if you look at the quality, the
24 quality of the evidence -- not the quantity of the evidence,
25 the quality of the evidence -- that at the end of this case,

1 you will also say that the government has failed to prove this
2 case against my client, Lisa Ranger.

3 Thank you for your attention. This is a big case, as
4 every case in this courthouse is. It means a lot to the
5 government. It has meaning to the defense. And it needs your
6 full attention. It may not be the sexiest case you ever heard
7 about, but let me tell you, there's nothing more important
8 today than this case as far as Lisa Ranger, Lisa Giannelli is
9 concerned.

10 I thank you for your attention.

11 THE COURT: All right. Thank you, Mr. Fasulo.

12 All right. Would the government please call its first
13 witness?

14 MR. GIANFORTI: Thank you, your Honor. The government
15 calls Special Agent Kaitlyn Bush.

16 And, your Honor, we talked about this earlier with
17 defense counsel. We're just going to have certain items
18 brought into the courtroom on a cart, and we'll set them sort
19 of right here on a table if you give us a moment.

20 THE COURT: For our jurors, if you want to stand, take
21 a stretch break, you're free to do that. But please don't
22 leave your seats. The government needs a moment to put some
23 physical evidence in the courtroom that they're going to be
24 using during the examination.

25 MR. GIANFORTI: One other item, your Honor. At this

point, I think it makes sense to hand out binders of transcripts that will be helpful for the jury to follow along.

THE COURT: That's fine.

(Continued on next page)

1 KAITLYN BUSH,

2 called as a witness by the Government,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. GIANFORTI:

6 Q. Good morning.

7 A. Good morning.

8 Q. Special agent Bush, where do you work?

9 A. I work for the Federal Bureau of Investigation.

10 Q. What is your position there?

11 A. I am a special agent.

12 Q. How long have you been a special agent with the FBI?

13 A. Since July 2017.

14 Q. During your time at the FBI, have you participated in the
15 execution of search warrants of physical locations?

16 A. Yes, I have.

17 Q. Approximately, how many times?

18 A. Approximately 35.

19 Q. Directing your attention to March 9th of 2020, did you
20 participate in a search on that date?

21 A. Yes, I did.

22 Q. What location did you search?

23 A. I was at 125 Jennifer Lane in Felton, Delaware.

24 Q. What is 125 Jennifer Lane in Felton, Delaware?

25 A. It's a residence.

1 Q. Who live there?

2 A. Lisa Gianelli a/k/a "Lisa Ranger".

3 Q. Prior to the search what steps did you take to prepare?

4 A. I attended a pre-operations brief with the case team. I
5 sent out an operations order and I created the team.

6 Q. Are you familiar with the term "operation plan"?

7 A. Yes.

8 Q. What is an operation plan?

9 A. It's a plan or general piece of paper that gives the
10 location we're going to be searching, who will be there, what
11 we'll be searching for, and the team members.

12 Q. Was there an operation plan in this case?

13 A. Yes, there was.

14 Q. Did you review that operation plan?

15 A. I did.

16 Q. All right. What was the plan for the day of the search of
17 125 Jennifer Lane?

18 A. The plan that day was to meet at a local troop in Delaware
19 and we did a pre-brief where we assured everybody read the
20 warrant, talked about our plan and approach and then we made
21 our plan to execute the search warrant.

22 Q. What was your role that day?

23 A. I was the team leader.

24 Q. What were your responsibilities as the team leader?

25 A. I ensured everybody had their role, knew what they were

1 doing and I ensured everybody read the warrant and knew what
2 they were looking for.

3 Q. Were you responsible for preparing the paperwork?

4 A. Yes.

5 Q. What kind of paperwork?

6 A. I ensured the evidence logs were maintained, as well as the
7 notes and on-scene paperwork then I assigned other people
8 different duties that were specific with the paperwork.

9 Q. How many agents were on your team that?

10 A. Day we had approximately 13 agents.

11 Q. So on March 9, 2020, how did your day begin exactly?

12 A. We briefed around I think it was some time between 2:00 and
13 2:30 in the morning at the other troops and at four o'clock on
14 the dot we executed the search warrant at 125 Jennifer Lane.

15 Q. How did the search get executed?

16 A. At four clock A.M. we stacked up and then we approached the
17 residence at 125 Jennifer Lane.

18 Q. What happened next?

19 A. We had the marked police cruiser enter the driveway and
20 throw on his red and blue lights. And then I knocked on the
21 front door, announced that it was the FBI with a search
22 warrant.

23 Q. Who, if anyone, came the door?

24 A. I believe first the gentleman in the residence, Victor,
25 approached the door and opened it.

1 Q. After he came to the door who, if anyone, did you encounter
2 in the house?

3 A. We encountered Lisa Gianelli.

4 Q. All right. So I am going to show you and just you --

5 MR. GIANFORTI: Ms. Jung, if you could, Government
6 Exhibit 1001.

7 Q. Special Agent Bush, do you recognize the individual in this
8 picture?

9 A. I do.

10 Q. Who is it?

11 A. That is Lisa Giannelli.

12 THE COURT: Is it showing up on the jurors' screen?

13 THE JUROR: No.

14 A. This was the photo provided in the operations plan?

15 MR. GIANFORTI: Your Honor, the government offers
16 Government Exhibit 10001.

17 MR. FASULO: No objection.

18 THE COURT: It will be admitted.

19 (Government's Exhibits 10001 received in evidence)

20 THE COURT: So now it should show on the jurors
21 screens.

22 Are you seeing it?

23 THE JUROR: Yes.

24 THE COURT: Thank you.

25 Q. Special Agent Bush, what happened with Ms. Gianelli after

1 you encountered her?

2 A. We advised her that there was an arrest warrant for her and
3 that we had a search warrant for the residence and then we
4 conducted the search.

5 THE COURT: All right. Please keep your voice up at
6 the end of your answers. You are fading off a little bit and I
7 think the court reporter may be having difficulty.

8 Thank you.

9 Q. What happened with the individual who first came to the
10 door?

11 A. He stayed with another agent while we conducted the search.

12 Q. What was the first step of the search?

13 A. The first step of the search, we do a protective sweep of
14 the residence so we can make sure nothing is there that would
15 harm us as well as getting a general overview of what we were
16 going to be searching.

17 Q. Is that something called a walk-through?

18 A. Yes. Initial walk-through.

19 Q. What happened in this case after the walk-through of the
20 premises?

21 A. After the walk through we have a designated photographer
22 for the scene and that person will take photos of the residence
23 as we found it prior to us conducting the search.

24 Q. What happened after that initial set of photographs was
25 taken?

1 A. After we take initial photographs then we begin the search.
2 The team next will pair off and take a room to conduct
3 themselves and I will ensure everybody is doing their assigned
4 roles.

5 Q. Could you describe the property at 125 Jennifer Lane,
6 please?

7 A. Sure. It's a two-story log cabin type of residence, had a
8 log driveway. Then off to the right was a secondary structure
9 and the main structure had an attachment, the garage.

10 Q. Was any document created to record the general layout of
11 the property?

12 A. Yes. We had a sketcher that documented the entire scene.

13 Q. I am showing you a document that's been marked for
14 identification a Government Exhibit 5019.

15 Do you recognize this document?

16 A. Yes, I do.

17 Q. What is it?

18 A. This is the sketch created that day.

19 Q. Did these sketches fairly and accurately depict the general
20 layout of the premises as you recall them from that day?

21 A. Yes.

22 MR. GIANFORTI: Your Honor, the government offers
23 Government Exhibit 5019.

24 MR. FASULO: No objection.

25 THE COURT: It will be received.

1 (Government's Exhibits 5019 received in evidence)

2 MR. GIANFORTI: If you could please publish that for
3 the jury and if you could please turn to the third page of this
4 document initially.

5 (Pause)

6 Q. Special Agent Bush, what does this sketch depict?

7 A. This was the main story, the main house, an overview of it.

8 Q. Could you point out some of the things that you discussed
9 earlier about the general layout of the property just to orient
10 the jury?

11 A. To the left is the driveway that I was talking about as we
12 approached and went on to the covered front porch. Then you
13 would walk in the front door and this was the main area, the
14 living room, kitchen. I think there was a back bedroom and
15 office. Then to the left there was a garage and the gym. And
16 then if you took the stone path over to the right that went to
17 that secondary structure I'd previously discussed.

18 MR. GIANFORTI: All right. Ms. Jung, could you please
19 turn to the fourth page of this exhibit.

20 Thank you.

21 Q. Special Agent Bush, could you please explain to the jury
22 what this sketch depicts.

23 A. This is a more detailed version of that last part of the
24 sketch and it shows the front door where we entered. There was
25 the living room, the back bedroom and then you would proceed to

1 the left there was a set of stairs that went upstairs and then
2 into the kitchen and there was an office. And then you proceed
3 over to the garage there was one car parked in the first garage
4 and then in the second garage was more of a gym office area.

5 MR. GIANFORTI: Ms. Jung, if you could please turn to
6 the fifth page of this exhibit.

7 Q. Special Agent Bush, what are we looking here?

8 A. This was the upstairs of the residence. You can see the
9 steps over to the right there is the steps that you saw when
10 you first entered, and then it went up into the master bedroom,
11 and there was a master bathroom and more of like a rec room
12 with a pool table.

13 MR. GIANFORTI: All right. Ms. Jung, if you could go
14 back to the first page of this exhibit please.

15 Q. What are we looking at here?

16 A. This was that secondary structure over to the right if you
17 were looking at the front of the house.

18 MR. GIANFORTI: All right. Ms. Jung, could you please
19 move to the second page.

20 Q. Special Agent Bush, what are we looking at here?

21 A. This was the second floor of the secondary structure.

22 Q. What were you searching for that day?

23 A. We were searching for different electronic devices, as well
24 as evidence that would relate Miss Ranger to the house, Ms.
25 Gianelli, as well as we were looking for veterinary medical

1 supplies.

2 Q. How did know which items to search for?

3 A. They were all listed in the warrant.

4 Q. How did the search team actually go about conducting the
5 search?

6 A. After we did our initial walk-through and took our initial
7 photographs, then we broke off into pairs and everyone took a
8 room and began their search. If somebody found something that
9 they believed was going to be seized, they would call me over.
10 I would look at it. If I decided that we were going to be
11 receiving it, we would attempt to take a photograph of the item
12 in place and then after we would take it in place and we would
13 take a close-up of the item and then we would package it and I
14 would voucher it on evidence log.

15 Q. What types of evidence did you seize?

16 A. We seized two computers, one thumb drive, one cellphone,
17 different physical paperwork and a lot of veterinary medical
18 supplies which was in bottles, tubes and boxes.

19 Q. All right. I am now going to show you Government Exhibits
20 9119 through 9122 which are in these boxes below the table.
21 Actually, if you could join me.

22 (Pause)

23 Q. Special Agent Bush, do you recognize the items in
24 Government Exhibit 9119 you through 9122?

25 A. Yes, I do.

1 Q. What are they?

2 A. They are the electronic devices we seized that day.

3 Q. Which are what?

4 A. Two computers, cellphone and a thumb drive.

5 MR. GIANFORTI: Your Honor, the government moves to
6 admit Government Exhibits 9119 through 9122.

7 MR. FASULO: No objection.

8 THE COURT: They'll be received in evidence.

9 (Government's Exhibits 9119 - 9122 received in
10 evidence)

11 MR. GIANFORTI: Your Honor, at this time I would ask
12 to read a stipulation in the record.

13 THE COURT: Have you shown it to Mr. Fasulo?

14 MR. GIANFORTI: Yes.

15 THE COURT: All right. Do you have you an additional
16 copy for the Court?

17 MR. GIANFORTI: I do.

18 (Pause)

19 MR. GIANFORTI: Thank you.

20 All right. This is a trial stipulation captioned
21 United States of America v. Lisa Gianelli, the defendant. The
22 case number is S6 20 CR 160(MKV), and it reads as follows:

23 It is hereby stipulated and agreed by and among the
24 United States of America, by Damian Williams, United States
25 Attorney for the Southern District of New York, Sarah Mortazavi

1 and Benjamin J. Gianforti, Assistant United States Attorneys,
2 of counsel, and Lisa Gianelli, the defendant, by her attorney
3 Louis Fasulo Esquire, that:

4 One, the electronic devices and locations listed in
5 the chart below under Columns A and B are true and accurate
6 reflections of the locations and dates for each respective
7 electronic device was seized. If called as a witness a
8 representative of Federal Bureau of Investigation would testify
9 that the exhibits listed under Column C. And the chart below
10 are true and accurate extractions of electronic records from
11 each electronic device listed under Column A.

12 First, an Apple iPhone X which was recovered from Seth
13 Fishman's person on April 1, 2019; and Government Exhibits 401
14 A through 401-GG, 401-I through 401-JJ, 401-L and 401-P and
15 401-Z; an Apple iPhone plus, which was seized from Seth
16 Fishman's person on April 1, 2019; Government Exhibits 402-C
17 through 402-H, Google Pixel 2LX phone, which was seized from
18 Lisa Gianelli's residence at 125 Jennifer Lane, Felton,
19 Delaware on March 9, 2020; government Exhibits 403-A through
20 403-T; an Apple iPhone seized from Rick Dane, Jr.'s person on
21 March 9, 2020, Government Exhibit 404-A, a Samsung Galaxy phone
22 seized from Ross Cohen's residence at 48 County Road 17 Pine
23 Bush, New York on March 9, 2020; Government Exhibits 405-A and
24 405-B; a hard drive seized from Seth Fishman's residence at
25 3565 South Ocean Boulevard, Unit 412, North Highland Beach,

1 Florida 33487 on or about October 27, 2019; Government Exhibits
2 500 through 532; an Asis desktop computer seized from Lisa
3 Gianelli's residence at 125 Jennifer Lane, Felton, Delaware
4 19943 on March 9, 2020; Government Exhibit 600 through 616, an
5 Asis computer seized from Lisa Giannelli's residence at 125
6 Jennifer Lane, Felton, Delaware on March 9, 2020; Government
7 Exhibit 700through 718; a USB flash drive seized from Lisa
8 Giannelli's residence at 125 Jennifer Lane, Felton, Delaware on
9 March 9, 2020; Government Exhibits 800 through 806, an Apple
10 iPad seized from Seth Fishman's person on or about October 27,
11 2019, Government Exhibits 900-A through 906 and 908 through
12 914, a Lenovo computer seized from Seth Fishman's residence at
13 Unit 412 North Highlands Beach, Florida Unit 412 on or about
14 October 27, 2019; Government Exhibits 1000 through 1003, 1005
15 through 129, and 1039 through 1053. There are a couple
16 additional parts which we'll read into the record later.

17 And finally, it is further stipulated and agreed by
18 and between the parties that the aforementioned Government
19 Exhibits in this stipulation which is Government Exhibit 908
20 may be received in evidence at trial. It's dated New York, New
21 York, April 25, 2022 signed Sarah Mortazavi on behalf of the
22 government and Louis Fasulo on behalf of Lisa Gianelli.

23 Your Honor, the government offers Government Exhibit
24 908 and the exhibits listed there.

25 MR. FASULO: No objection.

1 THE COURT: Received in evidence.

2 (Government's Exhibits 908 received in evidence)

3 THE COURT: And as I told you during my opening
4 remarks this morning, stipulations or agreements between the
5 parties are in fact evidence.

6 MR. GIANFORTI: Ms. Jung, could you please publish
7 Government Exhibit 800 which is in evidence for the jury.

8 (Pause)

9 Q. Special Agent Bush, this is a file that came off of the
10 flash drive that was seized from Lisa Giannelli's home on March
11 9, 2020.

12 What does this document appear to be

13 A. It appears to be a petition to change a name for the state
14 of Delaware.

15 Q. Whose petition?

16 A. Lisa Marie Ranger to change to "Lisa Marie Gianelli".

17 Q. What is this documented date?

18 A. The 4th day of November 2011.

19 MR. GIANFORTI: Your Honor, at this time the
20 government would ask to read another stipulation which I'll
21 show Mr. Fasulo.

22 THE COURT: All right.

23 MR. GIANFORTI: We can provide a copy for the Court.

24 THE COURT: Please.

25 MR. GIANFORTI: Government Exhibit 9015.

1 THE COURT: Thank you.

2 MR. GIANFORTI: This is another trial stipulation
3 between the United States of America and Lisa Gianelli, the
4 defendant.

5 It is hereby stipulated and agreed by and among the
6 United States of America, by Damian Williams, Assistant United
7 States Attorney, for the Southern District of New York, Sarah
8 Mortazavi and Benjamin Gianforti, Assistant United States
9 Attorneys, of counsel, and Lisa Giannelli, the defendant, by
10 her attorney, Louis Fasulo, Esquire, that:

11 One, if called to testify at trial, law enforcement
12 agents with the Food and Drug Administration and the Federal
13 Bureau of Investigation or the FBI would testify that, A,
14 Government Exhibit 1318 is a true and accurate copy of certain
15 hard copies seized on or about October 27, 2019 during a law
16 enforcement search of a storage unit number 757, located at
17 street address 189 Linton Boulevard, Delray Beach Florida.

18 Two, If called to testify at trial a law enforcement
19 agent with the FBI would testify that, A, Government Exhibits
20 5015 through 5018, 5025 through 5027 and 5031 are true and
21 correct copies of certain hard copy records seized on or about
22 March 9, 2020, during the law enforcement search of a residence
23 located at street address 125 Jennifer Lane, Felton, Delaware.

24 It is further is stipulated and agreed by and between
25 the parties that the aforementioned exhibits and stipulation

1 which is Government Exhibit 9015, may be received in evidence
2 at trial. That's dated April 25, 2022, New York, New York, and
3 signed by the parties.

4 Your Honor, the government offers Government Exhibit
5 9015 as well as the exhibits listed therein.

6 THE COURT: All right. Exhibit 9015 will be admitted
7 into evidence along with the exhibits listed in that exhibit.

8 Mr. Gianforti, if you could find a convenient time for
9 our morning break.

10 MR. GIANFORTI: I think right now is fine.

11 THE COURT: All right then. Ladies and gentlemen,
12 we're going to take roughly a ten to 15-minute break. Please
13 leave your notepad and the binders at your seats and remember,
14 please, do not discuss the case or the evidence you've heard
15 thus far while you are on break and I'll see you all shortly.

16 (Jury not present)

17 THE COURT: All right. Special Agent Bush, I'll
18 remind you, you remain under oath and you may not discuss your
19 testimony either past or to come with anybody during the break,
20 please.

21 THE WITNESS: Yes.

22 THE COURT: Thank you. You may step down.

23 Is there anything -- everyone can be seated for a
24 moment.

25 Anything that we need to discuss at this point outside

1 the presence of the jury?

2 MR. GIANFORTI: Not from the government, your Honor.

3 MR. FASULO: Not from the defense.

4 THE COURT: All right then, everyone have a good brief
5 break and I'll see you back shortly.

6 (Recess)

7 THE COURT: Please be seated, everyone.

8 We'll have our jurors brought out.

9 (Jury present)

10 MS. MORTAZAVI: Your Honor, should we ask Special
11 Agent Bush to retake the stand?

12 THE COURT: Yes, please.

13 (Witness present)

14 THE COURT: You may be seated, please.

15 All right. Special Agent Bush, you remain under oath.

16 THE WITNESS: I understand.

17 THE COURT: Thank you.

18 Mr. Gianforti.

19 MR. GIANFORTI: Thank you, your Honor.

20 Ms. Jung, could you please publish for the jury
21 Government Exhibit 5031 which is in evidence.

22 (Pause)

23 MR. GIANFORTI: And if you could --

24 Q. Special Agent Bush, what are we looking at here?

25 A. This appears to be a license from the state of Delaware

1 from Seth Fishman in veterinary medicine.

2 MR. GIANFORTI: If you could please turn to the second
3 page.

4 (Pause)

5 Q. Special Agent Bush, same question. What does this appear
6 to be?

7 A. Appears to be a license from the state of Delaware for Seth
8 Fishman in veterinary medicine.

9 MR. GIANFORTI: Turn to the third page.

10 Q. Special Agent Bush, what does this appear to be?

11 A. This appears to be a license sense from the state of
12 Indiana for the Veterinary Board for Seth Fishman.

13 Q. All right. Special Agent Bush, I am going to show you a
14 collection of photographs that have been marked for
15 identification as Government Exhibits 5000 through 5014, 5020
16 through 5024 and 5032 through 5037?

17 MR. GIANFORTI: And if I may approach, your Honor,
18 I'll give her hard copies of them.

19 THE COURT: Sure.

20 (Pause)

21 Q. Special Agent Bush, could you just take a moment to look
22 through those photographs that I just mentioned. So that's
23 5000 through 5014, 5020 through 5024 and 5032 through 5037.
24 And just look up when you're ready.

25 (Pause)

1 Q. Special Agent Bush, do you recognize these photographs?

2 A. I do.

3 Q. What are they?

4 A. They are photos taken from the search warrant at 125
5 Jennifer Lane.

6 Q. Are these fair and accurate depictions of the premises and
7 evidence that was seized on that day?

8 A. Yes, they are.

9 MR. GIANFORTI: Your Honor, the government offers
10 Government Exhibit 5000 through 5014, 5020 through 504 and 5032
11 through 5037.

12 MR. FASULO: No objection.

13 THE COURT: They are received in evidence.

14 (Government's Exhibits 5000 - 5014, 5020 - 5024 and
15 5032 - 5037 received in evidence)

16 Q. Special Agent Bush, you mentioned earlier that you seized
17 what appeared to be bottles of a certain kind. Do you remember
18 saying that?

19 A. Yes.

20 Q. Where were those found?

21 A. Most of the bottles we found were in two cabinets and a
22 refrigerator located in the, it was a garage but sort of used
23 as a gym/office.

24 MR. GIANFORTI: All right. Ms. Jung, could you please
25 publish Government Exhibit 5032.

1 Q. Special Agent Bush, what are we looking at here?

2 A. This is the garage/gym office I was talking about. There
3 was a cabinet to the left filled with a bunch of these bottles,
4 tubes and boxes. The fridge was right there in the middle and
5 right of the fridge is another cabinet.

6 MR. GIANFORTI: All right. Ms. Jung, could you please
7 pull up Government Exhibit 5007 and 5008.

8 Q. Special Agent Bush, what are we looking at here?

9 A. This was cabinet one and two located in that same area.

10 MR. GIANFORTI: Your Honor, at this time I would ask
11 to read a stipulation into the record?

12 THE COURT: Okay.

13 MR. GIANFORTI: This is Government Exhibit 9011
14 showing to Mr. Fasulo.

15 And if it's all right with you, your Honor, I'll skip
16 some of the preamble.

17 THE COURT: Fine.

18 MR. GIANFORTI: This is --

19 THE COURT: Let me just interrupt for one second what
20 Mr. Gianforti is saying.

21 Each of those stipulations a lead-in language that it
22 is an agreement between the United States Attorney Damian
23 Williams, Ms. Mortazavi and Mr. Gianforti on the one hand and
24 Ms. Gianelli through Mr. Fasulo on the other hand. But he is
25 not going to read that each time but these are, in fact,

1 binding agreements between the parties which I told you before
2 is evidence.

3 Go ahead.

4 MR. GIANFORTI: So this trial stipulation reads as
5 follows:

6 In 2019 agents with the Federal Bureau of
7 Investigation conducted judicially authorized wiretap
8 intersections of wire and electronic communications over
9 certain cellular phones. The contents of each intercepted
10 phone call or electronic message, any incoming and outgoing
11 phone calls were recorded at the time each communication
12 occurred. Each recording and its associated date was then
13 transferred to a computer system under the custody and control
14 the FBI.

15 Two, the Government Exhibits listed in Schedules A, B,
16 C and D to the stipulation are true and correct copies of the
17 portions of the phone calls that were intercepted pursuant to
18 such judicially authorized wiretaps in a manner described in
19 Paragraph One above.

20 Schedule A lists phone calls intercepted over a
21 cellular phone identified with the telephone number
22 561-270-9286 subscribed to in the name of "Seth Fishman".
23 That's referred to as the "9286" phone.

24 Schedule B lists phone calls intercepted over a
25 cellular phone identified with the telephone number

302-222-2220 subscribed in the name of "Lisa Gianelli". That's referred to as the "2220" phone.

Government Exhibits 101-AT through 115-CCT, 117-AT through 143-DT, 160-A through 165-BT and 167-AT through 198-T are true and accurate transcriptions and voice attribution of portions of the intercepted wire communications described in paragraphs one and two above, and are marked to the number assigned to relevant recording, for example, Government Exhibit 101-AT is the transcript of a recording contained a Government Exhibit 101-A also included as party of part of each transcript a true and accurate information regarding the time and/or date of the relevant recording and participating phone numbers.

(Continued on next page)

MR. GIANFORTI: Four. Government Exhibit 200 is a true and correct copy of certain electronic messages that were intercepted over the 9286 phone pursuant to the judicially authorized wiretap described in paragraph 1 above.

Government exhibits 201 and 202 are true and correct copies of certain electronic messages that were intercepted over the 220 phone pursuant to the judicially authorized wiretap described in paragraph 1 above.

It is further stipulated and agreed by and between the parties that the aforementioned government exhibits and the stipulation, which is Government Exhibit 9011 may be received in evidence at trial. That's dated April 25, 2022, New York,

1 New York, and signed by the parties.

2 And the accompanying pages include the schedules, the
3 tables that I referred to earlier, with the different columns,
4 which I won't read into the record but are available for you.

5 Your Honor, the government offers Government Exhibit
6 9011 and the exhibits listed therein.

7 THE COURT: They will be received injection.

8 (Government's Exhibit 9011 received in evidence)

9 MR. GIANFORTI: Thank you.

10 THE COURT: All right.

11 MR. GIANFORTI: And for your reference, ladies and
12 gentlemen, we distributed two binders with the transcripts with
13 the T addendum for each of them.

14 Ms. Jung, could you please pull up Government Exhibit
15 139C, as in cat, which is in evidence?

16 Ladies and gentlemen, as you'll see in the transcript
17 before you this is a telephone call intercepted over Seth
18 Fishman's phone between Seth Fishman Lisa Giannelli on June
19 4th, 2019, and you can follow along as the call plays in your
20 notebook.

21 (Audio played)

22 MR. GIANFORTI: Ms. Jung, if you could now pull up
23 Government Exhibit 168AT?

24 This is a telephone call intercepted over Seth Fishman
25 and Lisa Giannelli on April 30, 2019.

1 (Audio played)

2 MR. GIANFORTI: Ms. Jung, can you please pull up for
3 the jury Government Exhibit 5021?

4 BY MR. GIANFORTI:

5 Q. Special Agent Bush, what are we looking at here?

6 A. This was a Nissan Xterra, which was a vehicle parked inside
7 of the garage 125 Jennifer lane.

8 MR. GIANFORTI: Ms. Jung, can you please pull up
9 Government Exhibit 534?

10 Q. Special Agent Bush, what are we looking at here?

11 A. This appears to be the inside of one of the cabinets.

12 Q. What is contained in the cabinet?

13 A. It appears to be boxes of different gauges of syringes.

14 MR. GIANFORTI: All right. Ms. Jung, can you please
15 pull up Government Exhibit 5002 and 5003.

16 Q. What are we looking at here?

17 A. This is one of the tubes that we seized that I was
18 previously talking about.

19 Q. Where was it seized if you recall?

20 A. From inside 125 Jennifer lane.

21 Q. Okay. What is this item appear to be called?

22 A. It appears to be EPM Doublekill.

23 Q. Could you describe what the logo looked like?

24 A. It's a horse's head.

25 Q. All right. Special Agent Bush, I'm now going to show you

1 what's been marked for identification as Government Exhibit
2 9106, which is a physical exhibit, if you would just join me.

3 Special Agent Bush, do you recognize the exhibit
4 marked as Government Exhibit 9106?

5 A. Yes, I do.

6 Q. What is it?

7 A. That's another EPM Doublekill that we received from
8 125 Jennifer Lane.

9 Q. How do you know this is the same EPM Doublekill you seized
10 from the house?

11 A. It's in a box, and on that box is my name and signature.

12 MR. GIANFORTI: Your Honor, if I may approach the
13 witness with one of the bags of physical exhibits?

14 THE COURT: Sure.

15 MR. GIANFORTI: Actually, the government moves to
16 admit Government 9016.

17 THE COURT: Received in evidence.

18 (Government's Exhibit 1906 received in evidence)

19 Q. Special Agent Bush, in reviewing the items that you're
20 holding in your hand right now, do you see a prescription label
21 in any of these syringes?

22 A. No, I do not.

23 Q. Do you see a doctor name anywhere on those syringes?

24 A. No, I do not.

25 Q. Do you see the name Equestology anywhere on those syringes?

1 A. No, I do not.

2 Q. Thank you.

3 MR. GIANFORTI: Ms. Jung, could you please pull up
4 Government Exhibit 5004, 5005, and 5006?

5 Q. Special Agent Bush, what are we looking at here?

6 A. Appears to be bottles of the medical supplies we seized
7 from 125 Jennifer Lane.

8 Q. Is this three angles of the bottle?

9 A. Yes, I believe so.

10 Q. What does this item appear to be called?

11 A. Equitech, PSDS, pain shot DS.

12 Q. Could you describe what the logo looks like?

13 A. The horse's head symbol.

14 MR. GIANFORTI: Ms. Jung, could you zoom in on
15 Government Exhibit 5006, please?

16 Q. What directions are provided on the dark label that you see
17 here?

18 A. It says directions, administer 5 to 10 milliliters IM or IV
19 slowly four to six hours prior to strenuous exercise. Keep
20 refrigerated.

21 MR. GIANFORTI: If we could zoom in on the label of
22 Government Exhibit 5005?

23 Q. What does the white label say that you see here?

24 A. Follow local racing regulations. Don't use within 24 hours
25 of racing.

1 Q. Does this label appear to be part of the darker label or a
2 separate label that was put on top of it?

3 A. It appears to be a separate label.

4 Q. All right. And Special Agent Bush, I'm now going to show
5 you what's been marked for identification Government Exhibit
6 9102, which is a physical exhibit, if you can join me at the
7 table.

8 Special Agent Bush, do you recognize what's been
9 marked for identification as Government Exhibit 9102?

10 A. I do.

11 Q. What is it?

12 A. These were other bottles of the veterinary supplies we
13 seized from 125 Jennifer Lane.

14 Q. How do you know it was the same drugs seized from the
15 residence?

16 A. My name is on it, and the case number and the address.

17 MR. GIANFORTI: The government moves to admit
18 government exhibit 1902.

19 MR. FASULO: No objection.

20 THE COURT: It will be received.

21 (Government's Exhibit 1902 received in evidence)

22 Q. Special Agent Bush, in looking at the item that you have in
23 your hand right now, do you see a prescription label on these
24 bottles?

25 A. No, I do not.

1 Q. Do you see a doctor name on these bottles?

2 A. No, I do not.

3 Q. Do you see the name Equestology?

4 A. No, I do not.

5 Q. Thank you.

6 MR. GIANFORTI: Ms. Jung, can you please pull up
7 Government Exhibit 5011?

8 THE COURT: Mr. Gianforti, do you want to retrieve
9 these so you don't have broken vials?

10 MR. GIANFORTI: Yes.

11 Q. Special Agent Bush, what are we looking at here?

12 A. This appears to be more of the bottles of veterinary
13 supplies we seized that day.

14 Q. What is the item right in the middle of the frame appear to
15 be called?

16 A. RX Bleeder.

17 Q. I'm now going to hand up to you what's been marked
18 Government Exhibit 9111, if I may, your Honor?

19 THE COURT: Sure.

20 You can remain seated Special Agent. Mr. Gianforti
21 can do the work.

22 Q. Special Agent Bush, do you recognize what's been marked as
23 Government Exhibit 9111?

24 A. I do.

25 Q. What is it?

1 A. It's a bottle -- a few bottles of the RX bleeder.

2 Q. And where are these bottles from?

3 A. They are from 125 Jennifer Lane.

4 Q. And how do you know that?

5 A. My name and initials are on this box.

6 MR. GIANFORTI: Your Honor, the government moves to
7 admit Government Exhibit 9111.

8 THE COURT: Mr. Fasulo?

9 MR. FASULO: No objection.

10 THE COURT: It's received into evidence.

11 (Government's Exhibit 9111 received in evidence)

12 Q. Special Agent Bush, looking at the items you're currently
13 holding, do you see a prescription label on the bottle?

14 A. I do.

15 Q. And do you see a doctor's name on that prescription label?

16 A. I do.

17 Q. What is that name?

18 A. Seth Fishman, DVM.

19 Q. Do you see a particular horse on the prescription label?

20 A. I do.

21 Q. What's it called?

22 A. Delaware Heat.

23 Q. Do you see the name Equestology anywhere on that label?

24 A. I do not.

25 Q. And I'll come grab that from you.

1 MR. GIANFORTI: Ms. Jung, can you please pull up

2 Government Exhibit 5033?

3 Q. Special Agent Bush, what are we looking at here?

4 A. This is a photo of one of the cabinets we identified
5 earlier with bottles and a box of medical supplies, veterinary
6 supplies.

7 Q. And what does this item appear to be called, the one sort
8 of in the center to the left of the frame?

9 A. Rapid Equine Solutions. And it's acetylcysteine.

10 Q. Acetylcysteine?

11 A. Yes.

12 Q. I'm going to show you now what's been marked for
13 identification as Government Exhibit 9110, if I may, your
14 Honor?

15 THE COURT: Yes.

16 Q. Special Agent Bush, do you recognize the item that's been
17 marked as Government Exhibit 9110?

18 A. I do.

19 Q. What is it?

20 A. It is a few bottles of the bottle that I just read off the
21 screen.

22 Q. And how do you know -- do you recognize this?

23 A. This was seized from 125 Jennifer Lane, and has the address
24 on the box and my names and initials.

25 Q. And looking at that bottle, or any of the bottles on that

1 box, do you see the name Equestology?

2 A. No, I do not.

3 Q. Do you see a prescription label?

4 A. I do.

5 Q. Is there a doctor's name on that prescription label?

6 A. There is. It's Seth Fishman, DVM.

7 Q. Do you see a horse's name on that prescription label?

8 A. I do.

9 Q. What is that horse's name?

10 A. Delaware Heat.

11 Q. And to confirm, this is the acetylcysteine that we were
12 looking at before?

13 A. Correct.

14 THE COURT: What's the exhibit number?

15 MR. GIANFORTI: 9110.

16 All right. Ms. Jung, can you please pull up
17 Government Exhibit 5037? Could you zoom in on those bottles
18 with the blue? Thank you.

19 Q. What are we looking at here, Special Agent Bush?

20 A. These appear to be more bottles of the veterinary medical
21 supplies we seized that day.

22 Q. Do you see the label on the baggy there?

23 A. I do.

24 Q. And do you see four letters in the middle of that label?

25 A. Yes.

1 Q. What are those four letters?

2 A. ACTH.

3 Q. All right. I'm now going to show you what's marked for
4 identification as Government Exhibit 9117. If I may approach,
5 your Honor?

6 THE COURT: Yes.

7 Q. Special Agent Bush, do you recognize the item marked as
8 Government Exhibit 9117?

9 A. I do.

10 Q. What is it?

11 A. It is a bottle -- multiple bottles of the image I just read
12 from the screen.

13 Q. And how do you recognize it?

14 A. From -- we seized it at 125 Jennifer Lane.

15 Q. How do you know that?

16 A. The address is on here as well as my name and initials.

17 MR. GIANFORTI: Your Honor, the government moves to
18 admit Government Exhibit 9117.

19 MR. FASULO: No objection.

20 THE COURT: It is received into evidence.

21 (Government's Exhibit 9117 received in evidence)

22 Q. Special Agent Bush, looking at the tables on these bottles,
23 do you see the name Equestology anywhere?

24 A. No, I do not.

25 Q. Do you see a prescription label?

1 A. I do.

2 Q. Do you see a doctor's name on that prescription label?

3 A. I do.

4 Q. And do you see a horse's, I'm sorry what is the doctor you
5 see on there?

6 A. Seth Fishman DVM.

7 Q. Do you see a horse's name on the bottle any?

8 A. Yes. I see Delaware Heat.

9 Q. Okay. Thank you. I'll come grab that from you.

10 MR. GIANFORTI: Ms. Jung, can you please pull up
11 Government Exhibit 5036?

12 Q. Special Agent Bush, what are we looking at here?

13 A. This appears to be a box of some of the veterinary medical
14 supplies we seized.

15 Q. And where does it appear this item was seized based on this
16 photo?

17 A. I believe that was in the fridge.

18 Q. What does this item appear to be called?

19 A. It appears to be deslorelin acetate.

20 Q. Do you see a company name on this box?

21 A. I do.

22 Q. What is it?

23 A. It's SPC, Specialized Performance Compounds.

24 Q. Do you see a logo?

25 A. I do.

1 Q. What is that logo?

2 A. It appears to be a snake over wings, like a hospital
3 symbol.

4 Q. Special Agent Bush, I'm going to show you what's been
5 marked for identification Government Exhibit 9100. If I may
6 hand up, your Honor?

7 THE COURT: Yes.

8 Q. Special Agent Bush, do you recognize the item marked for
9 identification as Government Exhibit 9100?

10 A. I do.

11 Q. What is it?

12 A. It's three boxes of the box I just read from the screen.

13 Q. And how do you recognize it?

14 A. It has my name and initials and the address
15 125 Jennifer Lane on it.

16 MR. GIANFORTI: Okay. Your Honor, the government
17 moves to admit Government Exhibit 9100.

18 MR. FASULO: No objection.

19 THE COURT: Received.

20 (Government's Exhibit 9100 received in evidence)

21 Q. Special Agent Bush, looking at these boxes, do you see the
22 name Equestology anywhere?

23 A. I do not.

24 Q. Do you see a prescription label?

25 A. I do not.

1 Q. Do you see a doctor's name?

2 A. I do not.

3 Q. Do you see a horse's name?

4 A. I do not.

5 Q. Thank you. I'll come grab that.

6 MR. GIANFORTI: Ms. Jung, can you please pull up
7 Government Exhibit 5035?

8 Q. Special Agent Bush, what are we looking at here?

9 A. This also appears to be an image from the fridge, the
10 inside of the fridge. It's two boxes and one bottle of the
11 veterinary supplies.

12 Q. Do you see the label affixed to what appears to be the
13 shelf of the refrigerator?

14 A. I do.

15 Q. What does that label say?

16 A. It says TB7.

17 Q. Special Agent Bush, the various drugs that we looked at
18 today, are these all the drugs that were seized on March 9,
19 2020?

20 A. No, they're not.

21 MR. GIANFORTI: Your Honor, I would ask to read a
22 stipulation into the record.

23 THE COURT: You may proceed.

24 MR. GIANFORTI: This is Government Exhibit 9006, which
25 I'll show to Mr. Fasulo.

Once again, I'll skip the preamble.

One, if called as a witness at trial, a record custodian for the entity Equestology, Inc., Equestology, and for each of the government exhibits identified below would testify that Government Exhibits 320 through 320E, as in Edward, 323FA through 320FO, as in Oscar, 321A, as in apple through 333C as in cat, 1900 through 1905, and 1907 through 1913 are true and correct copies of certain records of Equestology maintained by Equestology and are records of regularly conducted activity with Equestology that were, A, made at or near the time, by or from, information transmitted by someone with knowledge of the information contained therein; B, kept in the course of regularly conducted activities of Equestology; and C, made as a regular practice of the activities of Equestology. It is further stipulated and agreed by and between the parties that the aforementioned government exhibits in this stipulation, which is Government Exhibit 9006, may be received in evidence at trial. It's dated April 25, 2022, New York, New York, and signed by the parties.

Your Honor, the government offers Government Exhibit 9006 and all of the exhibits listed therein.

THE COURT: 9006 is admitted into evidence as are all of the exhibits listed in 9006.

(Government's Exhibit 9006 received in evidence)

MR. GIANFORTI: Ms. Jung, can you please bring up

1 Government Exhibit 332J? Thank you.

2 Q. Special Agent Bush, I'm showing you Government Exhibit 332J
3 which is in evidence. It's an e-mail from records --

4 A. I don't have it up on my screen.

5 Q. Oh, I'm sorry. All set?

6 A. Yes.

7 Q. Thank you. As I said, it's an e-mail from records provided
8 by Equestology. Could you please read this e-mail into the
9 record noting the to and the from and the dates and the like?
10 And please start with the bottom e-mail and read up.

11 A. This appears to be an e-mail from Seth Fishman with the
12 e-mail address SethFishman@hotmail.com, sent Friday, January 8,
13 2016, at 12:09 p.m. EST, to Courtney Adams with the e-mail
14 address CourtneyAdams8467@Gmail.com, cc Lisa Ranger, which the
15 e-mail address is Equestology@gmail.com and Mary Fox, with the
16 e-mail, Mary.Equestology@gmail.com. With the subject re,
17 acetol label.

18 And from the bottom up, it says: Courtney, acetol
19 label new HH, January 16 PDF. Lisa, please see attached file
20 and let me know if that color is okay with you? The vial cap
21 will be sapphire blue. We also changed the horse head logo.

22 On January 8, 2016, at 10:01 a.m., Courtney Adams with
23 an e-mail address of CourtneyAdams8467@Gmail.com wrote -- I
24 think she wrote what I just read.

25 Q. Just to be clear, Special Agent Bush, are you saying that

1 Courtney Adams wrote the e-mail you just read a moment ago?

2 MR. FASULO: Objection.

3 THE COURT: Sustained.

4 Q. So, Special Agent Bush, how does it appear this exchange
5 went back and forth?

6 A. It appears that Courtney --

7 MR. FASULO: Objection, Judge.

8 THE COURT: Sustained, the document is in evidence.

9 Q. All right. So please continue reading.

10 THE COURT: Is this on the screen for the jurors?

11 JUROR: Yes.

12 THE COURT: Okay.

13 A. Above what I just read?

14 Q. Yes. Continuing from that middle line you just read.

15 A. It says it was sent from iPhone. Looks good to me. Just
16 called Lisa so we can get done today. Let's print 200 labels
17 for now and see how sales go.

18 Q. Thank you.

19 MR. GIANFORTI: Ms. Jung, can you please pull up
20 Government Exhibit 5010, which is in evidence?

21 Q. Special Agent Bush, what are we looking at here?

22 A. This -- were documents that we seized from the
23 Nissan Xterra that was parked in 125 Jennifer Lane's garage.

24 MR. GIANFORTI: Can you blow up that crumbled piece of
25 paper, Ms. Jung?

1 Q. What does this appear to be?

2 A. This appears to be a list of different supplies as well as
3 names.

4 Q. Do you recognize any of the supplies that are listed here?

5 A. I do. They were in some of the photos and cabinets that we
6 searched that day.

7 Q. Which cabinets are you referring to?

8 A. The cabinet one and two and the fridge in the middle from
9 the garage jury.

10 Q. I'm sorry. And what was in those cabinets?

11 A. There was the gouges in the box of 18 needles as well as
12 the EPN paste.

13 Q. So you recognize some of these items from the cabinets?

14 A. I do.

15 THE COURT: You seized them from where?

16 THE WITNESS: From within the cabinets, the garage of
17 125.

18 THE COURT: The garage, thank you.

19 MR. GIANFORTI: Can you please blow up the other piece
20 of paper on the seat there?

21 Q. Special Agent Bush, what does this appear to be?

22 A. This appears to be a bank transaction receipt.

23 Q. From which bank?

24 A. From WSFS bank.

25 Q. All right. I'd like to discuss some of the other paperwork

1 that was seized during your search. I think I'll hand you hard
2 copies of these.

3 I'm handing you what's been marked as
4 Government Exhibit 5018. I forgot. I handed you a binder full
5 of documents.

6 Can you look at 5018, which is in evidence?

7 MR. GIANFORTI: And, Ms. Jung, if you could publish
8 that for the jury?

9 Q. Special Agent Bush, what does Government Exhibit 5018
10 appear to be?

11 A. It appears to be a list of supplies of --

12 Q. Okay.

13 A. -- medical veterinary supplies.

14 THE COURT: You need to keep your voice up at the end.
15 You keep trailing off so the transcript is not picking you up,
16 or I'm not hearing you, anyway. Thank you.

17 Q. Just keep your voice up, Special Agent Bush. I know it's
18 hard sometimes.

19 All right. So looking at the --

20 MR. GIANFORTI: Actually, Ms. Jung, if you could go to
21 the third page of this document?

22 If you look at the upper left-hand corner of the third
23 page in the table there, what does it say there in green text?

24 A. It says cabinet one in green text.

25 Q. And what does it say in the upper right-hand corner in red

1 text underlined?

2 A. In the upper right in red text underlined, it says doc.

3 MR. GIANFORTI: Ms. Jung, if you could go to the
4 fourth page?

5 Q. Special Agent Bush, what does it say in the upper left-hand
6 corner in blue text?

7 A. It says cabinet two.

8 Q. And in the upper right-hand corner, what does it say in red
9 bold text?

10 A. It says doc.

11 MR. GIANFORTI: Ms. Jung, if you could turn to the
12 last page, the fifth page.

13 Q. What does it say, Special Agent Bush, in the upper
14 left-hand corner in red text?

15 A. It says fridge.

16 Q. What does it say in red text in the upper right-hand
17 corner?

18 A. It says doc.

19 Q. Do you see text with BB on the sheet?

20 A. I do.

21 Q. Can you please read what that item says?

22 A. BB3 freezer.

23 Q. Looking at this document overall, Special Agent Bush, how,
24 if at all, does it relate to the search that you conducted?

25 A. It appears that it was items in the fridge and the two

1 cabinets that were in the garage of 125 Jennifer Lane.

2 MR. GIANFORTI: Ms. Jung, can you pull up 5027?

3 Q. Special Agent Bush, what does this appear to be.

4 A. It appears to be an Equestology inventory report dated
5 1/1/20.

6 Q. All right. And Special Agent Bush, if you start with the
7 first page of this document and you flip to the page that has
8 225 in the lower right-hand corner, could you please do that,
9 look through the document, those two pages, and look up when
10 you're ready?

11 And could you also please flip through the pages
12 starting with 236 and ending in 244?

13 What appears on those pages that I just asked you
14 about?

15 A. It appears to be a list of medical terminology.

16 Q. And how many individual items would you estimate are listed
17 on the pages that I just had you look at?

18 A. I'd say hundreds.

19 MR. GIANFORTI: And, Ms. Jung, if you could please
20 pull up the page with 205 in the lower right-hand corner?

21 Q. Special Agent Bush, do you see where it says antibiotic
22 lung repair on this page?

23 A. I do.

24 MR. GIANFORTI: All right. And now let's please turn
25 the page with 209 in the lower right-hand corner, Ms. Jung?

1 Q. Ms. Bush, do you see in the lower -- I'm sorry. About
2 two-thirds of the way down the page, do you see where it says
3 bleeding, breathing?

4 A. I do.

5 MR. GIANFORTI: Now, Ms. Jung, if you could turn to
6 the page with 212 in the lower right-hand corner?

7 Q. And, Special Agent Bush, do you see where it says doc in
8 the middle of the page?

9 A. I do.

10 Q. What's the first item on that list?

11 A. It appears to be DBB3.

12 MR. GIANFORTI: All right. Ms. Jung, if you could
13 please turn to the page that ends with 213?

14 Q. All right. And, Special Agent Bush, do you see in the
15 lower part of the screen there where it says fluids,
16 electrolytes, drench?

17 A. I do.

18 MR. GIANFORTI: And, Ms. Jung, if you could turn to
19 the next page of this document?

20 Q. Can you please read the sixth item on this page?

21 A. D stomach A, stomach tube, each 40. 126.43.

22 MR. GIANFORTI: Ms. Jung, could you please turn to the
23 page with 236 in the lower right-hand corner?

24 Q. Special Agent Bush, do you see where it says syringes,
25 needles in the middle of the page?

1 A. I do.

2 Q. Can you please flip through the next few pages of this
3 document?

4 How many, if you had to estimate, how many items would
5 you estimate are listed in this category of syringes, needles?

6 A. I'd say close to a hundred.

7 MR. GIANFORTI: All right. Ms. Jung, if you could
8 please turn to the page with 225 in the lower right-hand
9 corner?

10 Q. Special Agent Bush, do you see where it says sub-accounts
11 Midwest?

12 A. I do.

13 Q. What does this appear to be?

14 A. It appears to be a list of sub-accounts in the Midwest.

15 Q. And what do you see listed below sub-accounts in the
16 Midwest?

17 A. It appears to be names and addresses.

18 Q. All right. So if you could start with page 225 and go to
19 236 -- or could you please flip through those pages quickly?
20 How many individuals would you estimate are listed on the pages
21 that I just had you flip through?

22 A. Hundreds.

23 Q. All right. And focusing again on this page with 225 in the
24 lower right-hand corner, do you see about two-thirds of the way
25 down the page where it says FLA -- FLA46083?

1 A. I do.

2 Q. Who is the individual listed there?

3 A. It appears to be Adrienne Hall at 16668 Winners Circle
4 Drive.

5 MR. GIANFORTI: Ms. Jung, if you could turn to
6 page 230 in the lower right-hand corner?

7 Q. Do you see about a third of the way down the page, there's
8 an entry listed as DE48576?

9 A. I do.

10 Q. Who is listed there?

11 A. It appears to be Silvio Martin at 2464 Midstate Road,
12 Felton.

13 THE COURT: Let me ask our jurors, are you able to see
14 the screen?

15 JUROR: Yes.

16 THE COURT: Yes. Okay. Thank you.

17 MR. GIANFORTI: Ms. Jung, could you please pull up
18 Government Exhibit 715, which is in evidence?

19 Q. Special Agent Bush, this is a document that was pulled off
20 of Lisa Giannelli's computer that was seized from the house
21 that's in evidence. Looking at the very top of this first
22 page, what does this appear to be?

23 A. It appears to be Equestology AVI client list with phone
24 numbers.

25 THE COURT: I want to be clear, you're reading from

1 this document, right?

2 THE WITNESS: Correct.

3 THE COURT: Thank you.

4 Q. And if you could flip through Government Exhibit 715, do
5 you have a hard copy of that?

6 A. Yes, I believe I do. Actually, I don't think I have it.

7 MR. GIANFORTI: We will hand up a hard copy. Can we
8 approach, your Honor?

9 THE COURT: Yes.

10 MR. GIANFORTI: Thank you.

11 Q. And just take a few moments to flip through that and look
12 up when you're ready.

13 Special Agent Bush, how many clients would you
14 estimate are reflected in that document?

15 A. I would say hundreds.

16 Q. All right. So if we could turn to Page 12 of that
17 document, and looking at about two-thirds of the way down the
18 page, do you see a name there associated with an address in
19 Monroe, New Jersey?

20 A. I do.

21 Q. What's that name?

22 A. It appears to be Adrienne Hall.

23 Q. All right. If we could turn to Page 19, please.

24 All right. And about halfway down the page, do you
25 see a name there associated with an address in Felton,

1 Delaware?

2 A. I do.

3 Q. What is that name?

4 A. It appears to be Silvio Martin.

5 MR. GIANFORTI: All right. If we could turn back to
6 page 2, Ms. Jung?

7 Q. Looking two-thirds down the page, do you see a name
8 associated with an address in Otisville, New York?

9 A. I do.

10 Q. What is that name?

11 A. It appears to be Rich Banca.

12 MR. GIANFORTI: Finally, if we could turn to page 6 of
13 this document?

14 Q. About halfway down the page, do you see a name there
15 associated with an address in Pine Bush, New York?

16 A. I do.

17 Q. What name is that?

18 A. It appears to be Ross Cohen.

19 MR. GIANFORTI: Ms. Jung, could you please pull up
20 Government Exhibit 304N, as in Nancy, which is in evidence?
21 And can you please blow that up? Thank you.

22 Q. Special Agent Bush, what is Government Exhibit 403N, as in
23 Nancy, appear to be?

24 A. It appears to be an extraction report from a cell phone.

25 Q. Okay. And this, indeed, is a file extracted from

Ms. Giannelli's phone that was seized from her residence. What appears to be reflected in this report?

A. It appears to be a contact card for, 52, Ross Cohen, with phone Number (914)420-7377, and e-mail address RCohen1@frontier.com.

MR. GIANFORTI: Ms. Jung, can you please pull up Government Exhibit 320FE, F as in Frank, E as in Eric?

Q. Special Agent Bush, Government Exhibit 320FE is in evidence. It was a file obtained from Equestology. What does this appear to be?

A. It appears to be a text communication.

Q. Who are the parties to this text communication?

A. Looks like Seth AA with phone number (561)270-9286, and Lisa Ranger Cell with number (302)222-2220.

MR. GIANFORTI: All right. Ms. Jung, can you please blow up the last two lines of this text message exchange?

Q. Special Agent Bush, when was this? When did this exchange take place?

A. 5/19/2016 at 11:26 a.m.

Q. Could you please read this into the record reflecting who was saying what?

A. Lisa Ranger said, propantheline bromide? Ross Cohen is asking for it. On 5/19/2016, 11:49 a.m., Seth AA said, have but it tests.

Q. Okay. Thank you.

1 MR. GIANFORTI: Ms. Jung, can you please pull up
2 Government Exhibit 332U, as in umbrella? Can you below that up
3 at the top?

4 Q. Special Agent Bush, this is another file that was obtained
5 from Equestology. Could you please read Government Exhibit
6 332U into the record noting the header information as you go?

7 A. This appears to be from Lisa Ranger with e-mail address
8 Equestology@gmail.com, sent Friday, December 16, 2016, 2:51
9 p.m. EET to Mary Fox with e-mail address
10 Mary.Equestology@gmail.com and Seth Fishman with e-mail address
11 SethFishman@hotmail.com. The subject that sent before I
12 finished..

13 Sorry. That e-mail sent before I was done
14 writing..LOL. Moving forward, I will e-mail orders to you to
15 help minimize orders on both sides. As a rule, I'm never out
16 of product when I place the order. I always leave a two- to
17 three-week buffer in place so never am I in a panic for such
18 product. This is to prevent any half boxes or extra shipping
19 cost. You've been sending me confirmation of shipment costs,
20 and this is great! Thank you.

21 For my orders to the 125 Jennifer Lane address,
22 please -- and this is bold and underlined -- always fill box.
23 Either with product I ask for or from the list of extras that I
24 sent on the last e-mail. I have a large storeroom, so I can
25 take these stable items in bulk. If nothing else from my extra

1 list is available, ask doc if he has any product for me and I
2 can go in the box to fill it up.

3 Also, please don't ship on a Friday unless I
4 specifically ask. That way it won't be sitting in a hot
5 freezer, UPS hub.

6 Thank you for all your help, smiley face, Lisa.

7 Q. Thank you.

8 MR. GIANFORTI: Ms. Jung, could you please pull up
9 Government Exhibit 329?

10 Q. All right. Special Agent Bush, this is in evidence, and
11 it's another file that was obtained from Equestology. Could
12 you please read this into the record starting with the bottom
13 part of the e-mail chain and reading up?

14 A. This appears to be a forwarded message. Starting from the
15 bottom chain under forwarded message, it's from Lisa Ranger
16 with e-mail Equestology@gmail.com; date, Wednesday,
17 February 22, 2017, at 10:29 a.m. Subject, new order. To,
18 Mary Fox with e-mail address Mary.Equestology@gmail.com.

19 Hello, I will be needing..as much as you can send..
20 No limit. Smiley face. One, EPN paste; two, homeopathic
21 bleeder plus with four stars; three, Folics 5X, 100CC bottles;
22 four, omeprazole, 12 bottles; five, PG-2-Equimax; 6, TB-7; 7,
23 Equizone pentizan; 8, more bleeder pills. Thanks, Lisa.

24 And the top of the e-mail exchange is from Lisa Ranger
25 with e-mail address Equestology@gmail.com, sent Thursday,

1 February 23rd, 2017, 10:42 a.m. EST, to Mary Fox, with e-mail
2 address Mary.Equestology@gmail.com. Subject, forward, new
3 order. Did you get this? Please respond so I know they are
4 going out..Thanks, Lisa.

5 Q. Thank you.

6 MR. GIANFORTI: Ms. Jung, could you now please pull up
7 Government Exhibit 319D, as in David?

8 Q. Special Agent Bush, this is another file obtained from
9 Equestology. Could you please read Government Exhibit 319D, as
10 in David, into the record?

11 A. Yes. This appears to be an e-mail from
12 Equestology@gmail.com. E-mail address Equestology@gmail.com,
13 sent Wednesday, August 16, 2017, at 9:38 a.m., EDT, to
14 Mary.Equestology@Gmail.com, address Equestology@gmail.com cc
15 SethFishman@hotmail.com with the e-mail address
16 SethFishman@hotmail.com. Subject, Equestology purchase order.
17 Attachments in parenthesis, AVIPO.TXT in parentheses. This is
18 just a reminder of what I have on order. I added another 100
19 EPM to this order. Things are picking up again. Also out of
20 the bleeder pills. 50 bags mean 1,500. Add anything new doc
21 wants to send to me. Also, really need those labels. I have
22 not received them for the acetylcysteine nor the iron. Thanks,
23 Lisa.

24 MR. GIANFORTI: Your Honor, at this time I ask to read
25 a stipulation into the record?

1 THE COURT: Sure.

2 MR. GIANFORTI: All right. Once again, I'll skip the
3 preamble.

4 If called as a witness at trial, a record custodian
5 for Microsoft Corporation, Microsoft, and for each of
6 Government Exhibits 3401 through 3464 would testify that
7 Government Exhibits 3401 through 3464 are true and correct
8 copies of electronic records including e-mails and their
9 attachments associated with the e-mail account,
10 SethFishman@hotmail.com, made and maintained by Microsoft that
11 were, A, made at or near the time by or from information
12 transmitted by, summoned with knowledge of the information
13 contained therein; B, kept in the course of regularly conducted
14 activities of Microsoft; and C, made as a regular practice of
15 the activities of Microsoft.

16 Two, if called as a witness at trial, a record custody
17 for 1&1 IONOS, and for each of Government Exhibits 3313, 3314,
18 and 3322 through 3326, would testify to Government Exhibits
19 3313 and 3314 and 3322 through 3326 are true and correct copies
20 of electronic records, including e-mails and their attachments
21 associated with the e-mail account Seth@Equestology.com, made
22 and maintained by 1&1 IONOS, that were; A, made at or near the
23 time by or from information transmitted by someone with
24 knowledge of the information contained therein, kept in the
25 course of regularly conducted activities of 1&1 IONOS, and made

1 as a regular practice of the activities of 1&1 IONOS.

2 It is further stipulated and agreed by and between the
3 parties that the aforementioned Government Exhibits in this
4 stipulation, which is Government Exhibit 9005, may be received
5 in evidence at trial, dated April 25th, 2022, New York,
6 New York, and signed by the parties.

7 Your Honor, the government would move to admit
8 Government Exhibit 9005 and all of the exhibits listed therein.

9 MR. FASULO: No objection.

10 THE COURT: They're received into evidence, the
11 stipulation and the exhibits listed in the stipulation.

12 (Government's Exhibit 9005 received in evidence)

13 MR. GIANFORTI: Ms. Jung, can you please bring up
14 Government Exhibit 3460, which is in evidence?

15 Q. This is an e-mail from Lisa Ranger to Seth Fishman and
16 Mary Fox dated August 26, 2017. It was obtained from Seth
17 Fishman's Hotmail account. Could you please read this into the
18 record?

19 A. From Lisa Ranger to Mary Fox and Seth Fishman, subject,
20 current inventory and projected needs for a -- date Saturday,
21 August 26, 2017. 11:17:9 a.m. Attachments, inventory,
22 8.26.17.doc. Hello. Attached is what I currently have in
23 stock -- actually, it says sock, but I think in context it
24 meant stock -- to plan accordingly, these reoccurring items are
25 what I need over the course of a year..acetylcysteine, 450

bottles, bleeding pills 325 PKS of 30 pills equals 10K pills plus. Homeopathic bleeder plus 900 bottles, Homeogesic, MDP30 bottles. EPN Doublekill paste, 900 tubes, EQ1@5 silver top, 135 bottles, folic 5X, 600 bottles, iron sucrose, 600 bottles, power block, 200 bottles.

I will e-mail when these get below the threshold we discussed. To avoid issues if expiration allows, next time I place an order, you can send me what I need for a year. Also, see if it can be shipped directly to me to save time, extra shipping fees, and aggravation. Thanks, Lisa.

Q. Thank you.

MR. GIANFORTI: Ms. Jung, could you now please pull up Government Exhibit 332G, as in girl and blow up the top?

Q. Special Agent Bush, this is an e-mail obtained from Equestology. I'd like you to read Government Exhibit 332G into the record, please.

A. From Lisa Ranger with e-mail address Equestology@gmail.com.

Sent Monday, February 10, 2020, 9 o'clock p.m. EST. To

Mary Fox with e-mail address Mary.Equestology@gmail.com and

Seth Fishman with e-mail address SethFishman@hotmail.com.

Subject, product..hello. Do you have an updated list of what products you'll have available in the near future so I can update the products in the computer for client billing? Am I going to receive any bleeding medicine, either injectable or paste? I have nothing here for your clients. I need

1 information, please..Lisa.

2 Q. Thank you.

3 MR. GIANFORTI: All right. Ms. Jung, if you could
4 please pull up Government Exhibit 201?

5 Q. Special Agent Bush, these are text messages that were
6 intercepted over the wiretap on Lisa Giannelli. They're in
7 evidence. All right? And if you would, I'll have you start --
8 just give me a moment. If you could please turn to page 4.?
9 Do you see at the bottom there where it says another order?

10 A. Yes.

11 Q. Okay. Could you please read this into the record? Let me
12 see how far I want you to go. Just go through to the end of
13 the document, if you don't mind, noting who it's to, who it's
14 from in terms of the phone numbers and the contacts if you
15 would?

16 A. Sure. This first one appears to be an outgoing text
17 message dated 5/9/2019 at 13:37:56, EDT to subscriber
18 Jeffrey Hass, II, from Lisa Giannelli. The content is another
19 order..please. Travis Alexander --

20 Q. If you could read the content -- oh, I'm sorry, and then
21 continue reading from there.

22 A. After that, it says 6HB bleeder four folic acid. The next
23 appears to be another outgoing text message from Lisa Giannelli
24 to Jeffrey Hass, II, on 5/9/2019 at 13:40:41 EDT. And the
25 content is add 3CMPK to Travis Alexander, please.

1 This appears to be an outgoing text from
2 Lisa Giannelli to Jeffrey Hass, II, at 5/9/2019 at 13:43:01 EDT
3 with the content, thx, which in context means thanks, we just
4 landed in Roaton. Customs now. Your dad has his phone with
5 him this trip too.

6 The next is an outgoing text from Lisa Giannelli to
7 Jeffrey Hass, II, on 5/9/2019 at 14:44:16 EDT with the content
8 being another order..Robert Bernard, four acetylcysteine three
9 I arginine -- or L-arginine, one P block, one ammonium sulfate,
10 one B12.

11 This appears to be an outgoing text from Lisa
12 Giannelli to Jeffrey Hass, II, on 5/13/2019 at 15:28:51 EDT.
13 And the content is call me, please. I need you to add
14 something to Eli's order. The next is an outgoing text message
15 to Lisa Gianelli to Jeffrey Hass, II, on 5/13/2019 at 14:48:52
16 EDT with the content being Ben Roberts, small biomane, two
17 bottles of regumate. This appears to be an incoming text
18 message from Jeffrey Hass, II, to Lisa Giannelli on 5/14/2019
19 at 13:20:54 EDT with the content being what's BO 2 max? I
20 couldn't really hear on the phone.

21 The next is an outgoing text from Lisa Giannelli to
22 Jeffrey Hass, II, on 5/13/2019 at 13:24 EDT, with that
23 associated content being its in the cabinet by the fridge
24 bottom shelf second bag in red label. Please put three of them
25 on the porch.

1 The next is an incoming text from Jeffrey Hass, II, to
2 Lisa Giannelli on 5/14/2019 at 13:26:35 EDT with the content
3 being, okay. It's out.

4 Q. Thank you.

5 MR. GIANFORTI: Ms. Jung, if you could pull up
6 Government Exhibit 202, and if you could please turn to page 3?

7 Q. Special Agent Bush, I'd like you to read a text message
8 beginning with section 211. This is dated April 22, 2019, at
9 11:36 EDT. It appears to be an incoming message from a Jessica
10 Dowse to Lisa Giannelli. And can you read the content in the
11 record?

12 A. The content. K. I need six Doublekill box of 19 gouge
13 needles, 25 and 35 NML syringes bottle of ace.

14 MR. GIANFORTI: And if you could turn now to page 5,
15 Ms. Jung? And if you could blow up section 765?

16 Q. This is a text message from April 30, 2019, at 13:36 EDT.
17 It appears to be an incoming message from a Rick Dane to
18 Lisa Giannelli, and you can just read this text message into
19 the record.

20 A. The content is need 10 green, eight bleeder, one pain,
21 please. That should last me a while.

22 MR. GIANFORTI: Okay. Ms. Jung, could you now pull up
23 Government Exhibit 5000?

24 THE COURT: I'd like you to find a convenient breaking
25 point after you finish this exhibit.

1 MR. GIANFORTI: Honestly, this is as good a place as
2 any.

3 THE COURT: All right. Then, ladies and gentlemen,
4 we're going to adjourn now to take a brief lunch break. Please
5 leave your notepads and the transcript binders on your seats
6 here. I remind you, please do not discuss the case or read
7 anything about the case or issues in the case during your
8 break.

9 Special Agent Bush, I remind you you remain under
10 oath. Please do not discuss your testimony with anyone over
11 the recess.

12 I wish everyone a pleasant lunch break, and I will see
13 you back here at 1:15, please.

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1 (Jury not present)

2 THE COURT: All right. Sir, is there anything we need
3 to discuss.

4 MR. FASULO: Nothing from the defense, Judge.

5 MS. MORTAZAVI: Nothing from the government, your
6 Honor.

7 THE COURT: Thank you. Then, everyone, have a good
8 lunch break. I'll see you back here shortly. You all should
9 be back a few seconds before, especially if there's anything to
10 talk about.

11 MS. MORTAZAVI: Great. Thank you.

12 (Lunch recess)

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AFTERNOON SESSION

1:15 P.M.

THE COURT: All right. We're ready for our jury?

MR. GIANFORTI: Yes, your Honor.

MR. FASULO: Yes.

THE COURT: Thank you.

(Jury present)

(Witness present).

THE COURT: Please be seated, everyone.

Good afternoon.

Special Agent Bush, you remain under oath.

Mr. Gianforti.

MR. GIANFORTI: Thank you, your Honor.

Ms. Jung, could you please publish Government Exhibit
5016 which is in evidence.

(Pause)

Q. Special Agent Bush, this is a hard copy seized from Ms.
Gianelli's residence. What does it appear to be?

A. It this appears to be an invoice or Equestology.

Q. What is the address?

A. It's 125 Jennifer Lane, Felton, Delaware 19943.

Q. Who is the invoice addressed?

A. To it's for Rick Dane at 1342 Mountain Road, Port Jervis,
New York 12771.

Q. What does it appear to be for?

1 A. This appears to be for barn supplies, DEQ-1@5.

2 Q. And what's the total amount of the invoice?

3 A. The money?

4 Q. Yes.

5 A. 4950.

6 Q. Are you familiar with Port Jervis, New York?

7 A. Yes.

8 Q. Which county is that in?

9 A. I believe it's Orange County.

10 MR. GIANFORTI: Ms. Jung, could us please pull up
11 Government Exhibit 5017 and turn it to the right.

12 Thank you.

13 Q. Special Agent Bush, this is another hard copy document
14 seized from Ms. Gianelli's residence. What does it appear to
15 be?

16 A. This appears to be a shipping label.

17 Q. From whom?

18 A. From Lisa Ranger at Equestology 125 Jennifer Lane, Felton
19 Delaware.

20 Q. Who is it addressed to?

21 A. It's shipped to Rick Dane, 1342 Mountain Road, Port Jervis,
22 New York 12771.

23 MR. GIANFORTI: Thank you.

24 Ms. Jung could you please pull up Government Exhibit
25 5026 which is in evidence.

1 Could I please give Special Agent Bush hard copy
2 records?

3 THE COURT: Sure.

4 MR. GIANFORTI: Thank you.

5 (Pause)

6 Q. So if you could turn to Government Exhibit 5026.

7 Special Agent Bush, what does that appear to be?

8 A. Appears to be a how-to list of how to order and pull from
9 correct supplies and distributors.

10 Q. Okay. Could you please read the instructions under where
11 it says "order comes in"?

12 A. I can.

13 Number one: order comes in...

14 First see who it is.

15 See what state they live in.

16 Next see what they need.

17 Split into three categories.

18 Merchandise, products compounded items and items Dr.
19 Fishman makes.

20 Look on the account page in the referral section to
21 see what dropship accounts are in place.

22 MR. GIANFORTI: Thank you.

23 Ms. Jung, could you please turn to the second page of
24 this document.

25 Q. Could you please read the last bullet point about halfway

1 done the page?

2 A. Sometimes client needs items from Dr. Fishman. If I do not
3 have in office then text Mary. She will send from down there.
4 You will need client's name and address to give her for
5 shipping.

6 Q. Could you please read the bolded text that appears before
7 that?

8 A. Deciding where to pull and how to send takes time.

9 Watch you mistakes, but in context of -- see shipping
10 cost, item costs, learn from mistakes and go forward.

11 Q. Okay. Looking at the took document as a whole, does it say
12 anywhere that the person handling the order should ask if the
13 client has a valid prescription --

14 MR. FASULO: Objection.

15 THE COURT: Sustained.

16 MR. GIANFORTI: Turning back to the second page, the
17 page that we're on here.

18 Ms. Jung, if you could pull up that bold text again.

19 Q. Where the document talks about mistakes, does it indicate
20 that it would be a mistake to not ask a client about a
21 prescription?

22 MR. FASULO: Objection.

23 THE COURT: Sustained. The document is in evidence
24 and it speaks for itself. It says what it says. And this
25 witness has no connection with the document, correct?

1 MR. GIANFORTI: It was part of the search.

2 THE COURT: You are asking her to read the documents
3 she found.

4 MR. GIANFORTI: That's right, your Honor.

5 THE COURT: Okay.

6 MR. GIANFORTI: Ms. Jung, could you please publish
7 Government Exhibit 319-O, which is in evidence.

8 Q. Special Agent Bush, this is a document obtained at
9 Equestology. Would you please read it into the record starting
10 with the lower part with the email chain.

11 A. On Friday, February 23, 2018 at 1:42 P.M., Seth Fishman
12 with the email address Sethfishman@hotmail.com wrote:

13 Lisa, when have you a chance please send me the
14 current prices we are charging for the stuff I make.

15 Thank you, Seth.

16 Q. About above that please?

17 A. From LisaRangerEquestology@GMail.com, sent Friday February
18 23, 2018, at 2:48 P.M. EST to Seth Fishman with the address
19 SethFishman@Hotmail.com, subject reads: Please. Attachments
20 inventory doc summary.PDF.

21 MR. GIANFORTI: Could us please publish Government
22 Exhibit 5015 for the jury.

23 Q. Special Agent Bush, this is in evidence as a hard copy
24 record that was seized from Ms. Gianelli's home.

25 What does that document appear to be?

1 A. Appears to be an office supply ordering form.

2 Q. Okay. Below the line where it says "office supply
3 ordering" what, does that say?

4 A. In parenthesis it says case manufactured products pulled
5 from Shein midwest or A and G. Then underneath, compound items
6 Boothwin, rapid equine horses necessities, Wedgewood. Then
7 there's three stars that says see shipping cost for minimal
8 order. Under that in capitals bold and underlined it says:
9 Always make sure you get a confirmation. Then in lower case of
10 order either by email text.

11 MR. GIANFORTI: Thank you.

12 Could you please go to second page of this document
13 and please blow up Paragraph Three.

14 Q. Special Agent Bush, could you please read this into the
15 record?

16 A. Says number (3A and G). Under that it says will pull from
17 here even if more expensive (judgment call). If not an
18 established dropship from MW or SCH. If client lives outside
19 of where dock is licensed, then this is an option. See product
20 sheet for what they stock. It's limited. They will email
21 receipt from book work three dollar shipping cost.

22 MR. GIANFORTI: Could we please highlight paragraph
23 four.

24 Q. Special Agent Bush, can you please read this?

25 A. Number 4, BW equal Boothwin. My go-to compound company. I

1 text orders to Geoff, the pharmacist. Text the amount you need
2 and name of products, also client's and address and also
3 horse's name. Preshipping over \$75, but if charging shipping
4 just make sure you charge it on client side too. Usually tack
5 on a \$15 or \$20 -- fee regardless of what compounder charges
6 us. They will email receipt for book work.

7 MS. MORTAZAVI: Thank you.

8 And if we go to third page, Ms. Jung, and highlight
9 paragraph 6.

10 Q. Special Agent Bush, could you please read the first four
11 lines of this into the record?

12 A. Six WW Wedgewood W, order online at Wedgewood pet RX.com.
13 Go to write a prescription. Plug in owner's phone number,
14 click on them or if not in system follow prompts for new
15 client, add horse's information, then find product you need.
16 Follow instructions. I go back to add mark and pull up what I
17 need. Find code. Then use that to search for product six
18 times.

19 You can call in order but takes forever... account
20 fish 48 Dr. Fishman Equestology, they will email receipt for
21 back work, watch for states that charge tax, need to charge
22 extra to make up difference.

23 MR. GIANFORTI: Okay. Thank you.

24 You can take that down, Ms. Jung.

25 Q. Special Agent Bush, how long did take you and your team to

1 complete the search of 125 Jennifer Lane?

2 A. A little less than six hours.

3 Q. Once the search complete, what happened next?

4 A. We handed over a copy of the search warrant list of what
5 they had seized from the location and then I took all of the
6 evidence back to the FBI office in Delaware.

7 Q. What happened at the FBI office in Delaware?

8 A. We ensured we had all the paperwork and all the photos,
9 reviewed the documents and from there we brought everything
10 back to the New York field office for processing of the
11 evidence.

12 Q. You mentioned earlier the prepared evidence logs; do you
13 remember that?

14 A. Yes.

15 Q. And after the search could you just talk a little bit about
16 the inventory log or evidence log you filled out?

17 A. We make an evidence log, both physical and electronic for
18 every piece of evidence that we seized, where it was seized and
19 what specific location it was seized in and who found it. Each
20 piece of evidence we'll fill out a chain of custody which has
21 me and the seizing agent on it. Then whoever takes custody of
22 it they'll have to sign for it in.

23 Q. Could you describe a little bit more what you mean by of
24 "chain of custody".

25 A. Sure. I have specific piece of paper for each piece of

1 that I seized that gives it a name and a number associated with
2 the piece of evidence and that will stay with that piece of
3 evidence through the course of the investigation.

4 Q. Special Agent Bush, other than your participation in the
5 search of 125 Jennifer Lane, did you have any further
6 participation in this investigation?

7 A. No, I didn't.

8 MR. GIANFORTI: No further questions.

9 THE COURT: Thank you.

10 Mr. Fasulo, cross?

11 MR. FASULO: Yes, your Honor.

12 CROSS-EXAMINATION

13 BY MR. FASULO:

14 Q. Good afternoon, agent.

15 A. Good afternoon, sir.

16 Q. At the end of your examination you stated that you had no
17 further dealings with this investigation after the search, the
18 vouchering and, the securing the property and taking it to New
19 York; is that fair to say?

20 A. That's fair to say.

21 Q. And so during the course of your testimony here today you
22 were asked to read a number of documents, correct?

23 A. That's correct.

24 Q. And other than read those documents, have you had a chance
25 to review those documents before testifying here today?

1 A. Just during trial prep.

2 Q. You met with the government and you sat down and talked
3 about some of the questions they were going to ask you, some of
4 documents they would refer to?

5 A. That's correct.

6 MR. FASULO: I'd like to draw your attention and ask
7 Ms. Jung if they could pull up Government Exhibit 5027 which
8 was one of the documents read through.

9 (Pause)

10 Q. Just so the jury is clear and we're clear, this document
11 has approximately 30, I believe about 30 pages of this
12 document. There's a hard copy in your file?

13 A. I do have a hard copy. Let me check.

14 Q. While you are getting it out maybe we don't need to see the
15 number -- I'll withdraw the question.

16 So this document lists the number of products,
17 correct?

18 A. I believe it's an inventory report.

19 Q. What did you understand that to be?

20 A. Just a list of different medical supplies.

21 Q. And some of these supplies you were able to take from the
22 home and some of them were not in the home, correct?

23 A. I don't believe so.

24 Q. Did you ever crosscheck this list with the actual supplies
25 that were at the home at the time?

1 A. No, I did not.

2 Q. When I say "the home", the home in Delaware you were
3 searching on the day of the search?

4 A. I understand.

5 Q. In fact, in terms of the names and the usage and the
6 categorization of the items, would it be fair to say they're
7 not really familiar with what these products are or what they
8 do?

9 A. That would be outside the scope of this.

10 Q. You wouldn't know if those were vitamins, if these were
11 prescription medications? You don't know anything about theses
12 products, fair to say?

13 A. I don't know that.

14 Q. The answer is, yes, you don't know?

15 A. That's correct.

16 Q. I'd to draw yaw your attention to another document you read
17 off of, document 715. Do you remember looking at this document
18 during direct-examination?

19 A. I do.

20 Q. Do you remember seeing a list of names, correct?

21 A. That's correct.

22 Q. And I think at some point you indicated that this,
23 according to what you read, it indicated to you it was a client
24 list with phone numbers, correct?

25 A. That's what it says at the top.

1 Q. And were you able to ascertain how many clients appeared on
2 this list that you confiscated on the day of your search?

3 A. Can you repeat the question?

4 Q. The number of clients that were on this list, do you know
5 how many there were?

6 A. I don't know how many. Much I believe I said hundreds.

7 Q. Would you agree with me it's over 33 pages, correct?

8 A. I could look. I am not sure.

9 MR. FASULO: If you can.

10 (Pause)

11 MR. FASULO: Ms. Jung, if you could just flip through
12 so we could see that.

13 (Pause)

14 A. 33 page document.

15 Q. You were asked about some specific names on this list?

16 A. Yes.

17 Q. You had no opportunity, nor was it in your role as
18 investigator in this case to contact these individuals that
19 were on this list at any time; is that correct?

20 A. I do not believe you contacted any of these individuals.

21 Q. If you do you would have a record of it?

22 A. I believe so.

23 Q. Did you have a record of it?

24 A. No.

25 Q. In fact, on this list, it not only indicates names of

1 individuals, it indicates, for example, on the first page
2 racing stables, correct? You'll see in the middle of the
3 first, top of the first page ADD Racing Stables, correct?

4 A. I see that listed.

5 Q. But not only individuals but also stables correct?

6 A. It says last name ADD Racing Stables. I am not sure I can
7 answer that.

8 Q. In fact, on the list also is city, correct?

9 A. There's a list of cities.

10 Q. There is a list of addresses which have been redacted for
11 purposes of the courtroom, correct?

12 A. Yes.

13 Q. And also the state, correct?

14 A. Yes, it says "stat".

15 Q. At any time during your investigation did you look at the
16 states where these individuals were and look at the licensing
17 of Dr. Fishman?

18 A. Can you repeat?

19 Q. At any time during your investigation did you take a look
20 at the individuals and the states where they were located and
21 look at where Dr. Fishman was actually licensed as a
22 veterinarian?

23 A. I was not an investigating officer of the case.

24 Q. So you never did that?

25 A. That's right.

1 Q. Thank you.

2 I would now like to turn your attention to Exhibit
3 Number 5018.

4 Do you remember testifying about this exhibit?

5 A. I do.

6 Q. And reading off of it?

7 A. I do.

8 Q. And would it be fair to say that you indicated that there
9 was on the top it said "supplies", correct?

10 A. Yes.

11 Q. And SCH, at any time during your investigation did you
12 understand what "SCH" was?

13 A. No.

14 Q. And MW?

15 A. No.

16 Q. "A" and "G"?

17 A. No.

18 Q. Any of the lines on the first in red there on top were you
19 able to ascertain what those were or why they were there?

20 A. No. But I believe I read off other things that --

21 Q. I am asking you right now on this document. Do you know
22 any of those acronyms in the first line SCH, MW, AG, BW, RE, W,
23 I think it's HM dot and dock, any of those --

24 THE COURT: Thank you.

25 Q. Are you able to tell us now what any of these acronyms are?

1 A. I believe that I read documents that have those as well on
2 them but from memory and not being a part of the investigation,
3 I'm not sure.

4 Q. Okay. So you wouldn't understand what the significance of
5 those names on the top as it relates to any of the numbers
6 underneath are, correct?

7 A. That's correct.

8 MR. FASULO: Okay. Let me now ask you about a couple
9 of items that you talked about during your direct.

10 Can you pull up 901.

11 Q. You also recovered a number of items from the residence in
12 Delaware, correct?

13 A. I did.

14 Q. How did you find the home in Delaware when you went and
15 examined it in terms of organization and in terms of the way
16 the items were being kept?

17 A. It was very organized.

18 Q. And were the refrigerators working, if you know?

19 A. I'm not sure.

20 Q. Was there anything to indicate that they weren't?

21 A. No.

22 Q. Okay. And in fact, how was Ms. Gianelli when you entered
23 into the home? Was she cooperative?

24 A. She was.

25 Q. During the course of the time, the six hours you were

1 there, did she continue to be cooperative?

2 MR. GIANFORTI: Objection.

3 THE COURT: Sustained.

4 Q. During the time that you were searching and Ms. Gianelli
5 was held in abeyance, where was Ms. Gianelli at that time when
6 you were searching her home?

7 A. I was the search team leader and there was a different
8 person who was the arresting leader and she had most contact
9 with Ms. Gianelli. I only told her that we had a search
10 warrant for the residence.

11 Q. Do you know where they were?

12 A. I'm not sure.

13 Q. Were they at the home or away from home?

14 MR. GIANFORTI: Objection.

15 THE COURT: Sustained.

16 Q. Do you know who that agent was?

17 A. I do.

18 Q. Who was that agent?

19 A. That was Special Agent Jennifer Taylor.

20 Q. "Taylor"?

21 A. That's correct.

22 Q. And at any time after your search of the home, did you ever
23 see Ms. Gianelli again that day?

24 A. I don't believe so.

25 Q. So I want turn your attention to the first item which is, I

1 think it's 9106. I am going to hand you 9106, if I may
2 approach?

3 THE COURT: Sure.

4 MR. FASULO: Do we have the photo of 9106?

5 THE COURT: Do you want to publish that to the jury.

6 MR. FASULO: Yes.

7 (Pause)

8 Q. Do you remember talking about this item on your
9 direct-examination, 9106?

10 A. I do.

11 Q. I think you described the label which I'm turning for you
12 so you can see it, the label there, correct?

13 A. Yes.

14 Q. And you described this horse's head, correct?

15 A. Correct.

16 Q. And do you know what that label reflects as it relates to
17 this product?

18 A. I'm sorry?

19 Q. Do you know anything about why this horse's head is on this
20 product?

21 A. No.

22 Q. Okay. Do you know if it's a label from Equestology or from
23 any other company?

24 A. I'm not sure.

25 Q. In fact, you also stated that it is, you don't know what

1 this item is being used for, nor do you understand what the
2 ingredients of this item is; is that fair to say?

3 A. That's a fair to say.

4 Q. And in fact, on the back of it there is directions,
5 correct? Can you see that?

6 A. Yes. There is --

7 Q. Can you see that.

8 A. I can.

9 Q. You see there are directions on this packaging, correct?

10 A. I see that.

11 Q. And in fact, there are ingredients listed, correct?

12 A. Yes.

13 Q. And you as a layperson, as an investigator or FBI agent,
14 you wouldn't know what these ingredients are, correct?

15 A. I don't know what those ingredients are.

16 Q. And in fact, you said -- we ask you now about 9102 which I
17 believe is --

18 MR. FASULO: Do we have a photograph of 9102?

19 I'm going to try to do this this way, judge.

20 Q. This was another item that you received at the location; is
21 that correct?

22 A. Yes.

23 Q. If I'm not right, please, let me know.

24 A. I do will.

25 Q. Remember you were testifying about the horse's head here,

1 correct?

2 A. Yes.

3 Q. And there is a label on the front of this item, correct?

4 A. Yes.

5 Q. And you don't know where that label came from; is that fair
6 to, say?

7 A. I believe it's, came from the bottle.

8 Q. Other than it being on the bottle we don't know who labeled
9 it, correct?

10 A. No, I don't.

11 Q. You also can see on that --

12 THE COURT: Can you turn the whole package over?

13 Q. You also see that in the back of the label -- and if you
14 can't see I'll hand it to you.

15 You see right here there are certain directions. You
16 also see on this item there are also directions on this
17 packaging, correct?

18 A. Yes.

19 Q. And it has specific directions. Were you able to -- and
20 you don't know anything about this product, fair so say?

21 A. Correct.

22 Q. Okay. And in fact, not only does it have that label but it
23 also has a white label I am going to show you right now?

24 MR. FASULO: Trying to be efficient, judge.

25 THE COURT: Don't break them.

1 Q. You also see this label, correct?

2 A. I do.

3 Q. And you don't know who put this label on as well?

4 A. I do not.

5 Q. When you went to Lisa Gianelli's house, this was labeled in
6 her one of those closets as it sits here today; is that
7 correct?

8 A. Yes, I believe so.

9 Q. The label says specifically if you can see it, "follow
10 local racing regulations", correct?

11 A. Correct.

12 Q. "Don't use within 24 hours of racing", correct?

13 A. I see that.

14 Q. And this is one of the items that you also recovered at the
15 home?

16 A. Yes, it is.

17 Q. For everybody's purpose, agent, it's fair to say that of
18 all the items you recovered you have little contact with those
19 items other than the fact that you recovered them from the
20 home, correct?

21 A. That's correct.

22 Q. You didn't do anything further with those items in terms of
23 the investigation; fair to say?

24 A. Fair to say.

25 Q. I am not going to show you every item because you wouldn't

1 know what they were used for, whether medications, vitamins or
2 what they were?

3 A. Correct.

4 Q. You wouldn't know where the labels came from, correct?

5 A. Correct.

6 Q. Now you were also asked about certain medications. Do you
7 remember you being asked about Government Exhibit 9117? Now
8 these were also recovered at the house in Delaware, correct?

9 A. Yes.

10 Q. And you also see on top there is a name called -- you see a
11 name and then you see an address, pleasant Drive in
12 Pennsylvania. Do you see that?

13 A. I do. That's a little to the side.

14 Q. Would it be fair to say that you did not do an
15 investigation as to the source or this address at all, correct?

16 A. No. I just took these from the home.

17 Q. Correct. But you did see on this bottle as you stated that
18 Dr. Fishman's name was listed on these bottles; is that fair to
19 say?

20 A. That's fair.

21 Q. If I point directly over here, you can see that?

22 A. Yes.

23 Q. And it also had a date that this was prepared, correct?

24 A. It has the date. I'm not sure.

25 Q. Well, it says "prepared 2/11"?

1 THE COURT: You want to direct her?

2 A. Yes, I see that.

3 Q. "Prepared 2/11/2020", correct?

4 A. Yes.

5 Q. It has a quantity, correct?

6 A. Yes.

7 Q. And it also has an order on the bottom. I don't know if
8 you can read it from there. But if I give it to you, maybe you
9 can because -- I am going to give it to you and ask you if you
10 can read it. Hard for me to maneuver the bottles within the
11 packet and I don't want to open up the evidence bag. Your eyes
12 are better than mine.

13 (Pause)

14 A. What part?

15 Q. The bottom part.

16 A. The caution?

17 Q. Yes.

18 A. Caution, federal law restricts this drug to use by or on
19 the order of a licensed -- they are a just turning with it --
20 veterinarian.

21 Q. Also on that prescription bottle there's also an RX number;
22 would that be fair to say?

23 A. Yes.

24 Q. At some point during your direct-examination you were asked
25 to read a group of text messages. Do you remember doing that?

1 A. I do.

2 Q. And would it be fair to say, agent, that you have no
3 association other than reading those messages, two of those
4 messages?

5 A. That's correct.

6 Q. You did nothing in terms of the investigation as to those
7 messages?

8 A. That's correct.

9 Q. You did not speak to anybody about the content or the
10 intent of those messages?

11 A. Correct.

12 Q. You were used only for the sole purposes of reading what
13 was already entered into evidence?

14 A. Correct.

15 Q. And for that purpose?

16 A. Yes.

17 MR. FASULO: And finally -- actually, I appreciate
18 your testimony. Nothing further from this witness judge?

19 THE COURT: All right. Thank you.

20 Is there any redirect?

21 MR. GIANFORTI: Briefly, your Honor.

22 MR. FASULO: I would like that bag that the agent has,
23 if we can have it shown to the jury.

24 THE COURT: Sure. Why don't we do that. Come and get
25 it, Mr. Fasulo, and hand it to the first juror and if you would

1 all pass it along. Mr. Fasulo would like you to take a look at
2 this. This is in evidence.

3 MR. FASULO: Evidence number 9117 for the record. I'm
4 going to hand it to Juror No. 1 and ask her to, please, take a
5 look and pass it to the other jurors so they can see it as
6 well.

7 THE COURT: Just be sure that you don't drop it and
8 break the contents.

9 MR. FASULO: Nothing further, judge.

10 THE COURT: Mr. Gianforti, why don't you just give the
11 jurors a moment to take a look at this.

12 MR. GIANFORTI: Of course, judge.

13 (Jury perusing)

14 REDIRECT EXAMINATION

15 BY MR. GIANFORTI:

16 Q. Special Agent Bush, are you familiar with the term "case
17 agent"?

18 A. I am.

19 Q. What is a case agent?

20 A. The case agent is the person that's in charge of the entire
21 investigation from inception to the end.

22 Q. Were you the case agent for this investigation?

23 A. I was not.

24 MR. GIANFORTI: Ms. Jung, could you please pull up
25 Government Exhibit 5029, please.

1 (Pause)

2 MR. GIANFORTI: Actually, if you could pull up 715
3 simultaneously, that would be great.

4 (Pause)

5 MR. GIANFORTI: Ms. Jung, could you please blow up the
6 date in the upper left-hand corner.

7 Q. Special Agent Bush, do you remember this document from your
8 direct and cross-examination?

9 A. I do.

10 Q. What is the date of this document?

11 A. It's February 11, 2020.

12 Q. What was the date of your search at 125 Jennifer Lane?

13 A. It was March 9, 2020.

14 MR. GIANFORTI: Okay. Thank you.

15 Ms. Jung, could you please pull up Government Exhibits
16 5004 and 5002, please, and could you please blow up the logo on
17 these two items.

18 (Pause)

19 Q. Special Agent Bush, do you recall me showing you these
20 photographs earlier?

21 A. I do.

22 Q. Do you recall looking at these items physically earlier in
23 your direct-examination?

24 A. I do.

25 Q. And do you remember me asking you about a logo on these

1 items earlier?

2 A. I do.

3 Q. What is that logo?

4 A. It's the horse's head on both of these items?

5 MR. GIANFORTI: No further questions.

6 MR. FASULO: Nothing further.

7 THE COURT: All right. Thank you very much, Special
8 Agent Bush. You are excused.

9 THE WITNESS: Thank you, your Honor.

10 THE COURT: Who is the government's next witness?

11 MS. MORTAZAVI: The government calls Daniel Folensbee.

12 DANIEL FOLENSBEE,

13 called as a witness by the Government,

14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. MORTAZAVI:

17 Q. Good afternoon, Mr. Folensbee.

18 A. Good afternoon.

19 Q. Would you let us know where you work?

20 A. I work for the FBI.

21 Q. And what position do you have there?

22 A. I'm a staff operation specialist.

23 Q. Is that the same thing as a special agent?

24 A. No.

25 Q. And how long have you been with the FBI?

1 A. Since October of 2016.

2 Q. Do you work in a particular region?

3 A. Yes.

4 Q. Where did you work prior to joining the FBI?

5 A. Publix supermarkets.

6 Q. What sorts of duties do you have in your role as a staff
7 operation specialist?

8 A. I am similar to that of an analyst. I work with
9 headquarters division. So we provide assistance to the field.

10 Q. "To the field" you mean FBI agents?

11 A. Yes, ma'am.

12 Q. I'd like to direct your attention to October 27, 2019.

13 Were you asked to perform anything that day in relation to a
14 company called -- I'm sorry -- in relation to your work as a
15 staff operation specialist?

16 A. Yes. I was asked to be a photographer for a search
17 warrant.

18 Q. What was the address of the premises being searched?

19 A. 3500 Northwest Second Avenue, Unit 723 Boca Raton, Florida.

20 Q. Can you describe the type of property being searched that
21 day?

22 A. Yes. It was a office/warehouse complex similar to that of
23 a strip mall.

24 Q. Were the premises located within a larger property?

25 A. Yes.

1 Q. What about, could you describe the larger property?

2 A. It was an office complex.

3 Q. How many law enforcement agents were present during the
4 search?

5 A. About 20 or 30.

6 Q. You were asked to be the photographer that day?

7 A. Yes.

8 Q. Apart from serving as photographer, did you take any other
9 steps during the search?

10 A. No.

11 Q. Approximately, what time did the search start?

12 A. Just after 12 A.M. on October 28.

13 Q. And approximately, what time did the search end?

14 A. Just before 6:00 A.M. that same day.

15 Q. Can you walk us through the steps that you took during that
16 search from the time you entered the premises till the time you
17 left?

18 A. Yes. I took entry photos which showed the location as it
19 is as we come across it. And once those are complete, the
20 search begins. I take photos of each item of evidence before
21 it is logged and packaged. Then once all the evidence items
22 were collected, I took exit photos which show the premises
23 after we leave the premises.

24 Q. Have you been trained to undertake those steps during the
25 search?

1 A. Yes.

2 Q. Mr. Folensbee, when you walked up there you had a binder
3 that contained Government Exhibit 4000 to 4007; is that
4 correct?

5 A. Yes.

6 MS. MORTAZAVI: Your Honor, I've shown that binder to
7 defense counsel.

8 Q. Mr. Folensbee, have you reviewed the exhibits in that
9 binder before taking the stand?

10 A. Yes.

11 Q. Could you let us know what those exhibits are?

12 A. These are the photos that I took of the scene.

13 MS. MORTAZAVI: The government moves Government
14 Exhibit 4000 to 4047 into evidence.

15 MR. FASULO: No objection.

16 THE COURT: It will be admitted.

17 (Government's Exhibits 4000 -047 received in evidence)

18 Q. I'd like to walk through those photos of the search that
19 happened that day.

20 MS. MORTAZAVI: Ms. Jung, could you please pull up
21 Government Exhibit 4000.

22 Q. Could you explain what's shown here?

23 A. This is the entryway to the search location through the
24 front door.

25 MS. MORTAZAVI: Ms. Jung, if you could pull up

1 Government Exhibit.

2 Q. What's depicted here, Mr. Folensbee?

3 A. This is the one side of the search location, the office
4 side with some cabinets.

5 Q. Could you just remind us what was the other side of the
6 search location other than the office?

7 A. That was a storage location.

8 MS. MORTAZAVI: Ms. Jung, could you pull up Government
9 Exhibit 4032 and 4031 please.

10 (Pause)

11 Q. Mr. Folensbee, can you tell us what we're looking at here?

12 A. This is the storage side of the search location.

13 Q. Okay. Looking at Government Exhibit 4032, which is on the
14 right-hand side of your screen, do you see that there appears
15 to be medal racks?

16 A. Yes.

17 Q. Can you tell us what appears to be stacked on those racks.

18 A. Bins and other storage equipment.

19 MS. MORTAZAVI: Ms. Jung, could you please pull up
20 Government Exhibit 4031.

21 (Pause)

22 Q. What appears to be located on these metal racks,
23 Mr. Folensbee?

24 A. Shipping boxes and other equipment.

25 MS. MORTAZAVI: Ms. Jung, could you pull up Government

1 Exhibit 4046.

2 Q. Mr. Folensbee, you just testified that there were bins
3 stacked on these metal racks in the warehouse side of the
4 searched premises, correct?

5 A. Yes.

6 Q. Was this one of the bins that was located in that premises?

7 A. Yes.

8 Q. Could you go ahead and read the label.

9 A. Label says "trazodone".

10 MS. MORTAZAVI: I'll ask you not to read the middle
11 line.

12 Ms. Jung, could you please pull up Government Exhibit
13 4001.

14 Q. What are we look ago the here?

15 A. These are refrigerator and freezers on the storage side of
16 the search location.

17 Q. Does there appears to be writing on some of these
18 refrigerators?

19 A. Yes.

20 MS. MORTAZAVI: Ms. Jung, if you could please pull up
21 Government Exhibit 4002 and 4003.

22 (Pause)

23 Q. Mr. Folensbee, looking at Government Exhibit 4002 which is
24 on the left-hand side of your screen, do you see the list of
25 what appears to be names?

1 A. Yes.

2 Q. Do you know ACTH on that list?

3 A. I do.

4 MS. MORTAZAVI: All right. Ms. Jung, you can take
5 that down.

6 Q. Looking at Government Exhibit 4003, is that the interior of
7 one of the bridges that you photographed that day?

8 A. Yes.

9 MS. MORTAZAVI: If you could pull up Government
10 Exhibit 4036 and, and 4608.

11 (Pause)

12 Q. Mr. Folensbee, is it fair to say all three of these
13 exhibits depict the interior of bridges that were located in
14 premises that was searched?

15 A. Yes.

16 Q. Can you described what's located in each of these bridges?

17 A. Boxes filed with vials from some kind of drug.

18 Q. Does some of these boxes have labels?

19 A. Yes.

20 MS. MORTAZAVI: Can you tell pull up the following
21 Government Exhibits, 4018, 4019, 4020 and 4029.

22 Q. Mr. Folensbee, I am going to take these one-by-one starting
23 with 4018. Could you read out the product name, sir?

24 A. Totrazodone.

25 Q. The manufacture date or what's listed here beside --

1 A. May 6, 2013.

2 Q. What's listed beside EXT.date?

3 A. May 5, 216.

4 Q. Remind us, Mr. Folensbee, in what month and year did the
5 search take place?

6 A. October of 2019.

7 Q. What's the gross weight listed here?

8 A. 28 kilograms.

9 MS. MORTAZAVI: Ms. Jung, you can take that image down
10 and take a look at Government Exhibit 4019.

11 Q. Mr. Folensbee, can you read out what's next to the word --

12 A. Totrazodone.

13 Q. Again, can you read out the gross weight?

14 A. 28 kilograms.

15 Q. The date besides the EP date.

16 A. May 5, 2016.

17 Q. Now at the very type top in slightly larger text than what
18 we see on the rest of this label there's a name, could you read
19 that out loud into the record.

20 A. N.J. Farm Limits.

21 Q. If you could read the second stage of the address which is
22 the third line from the top of this label?

23 A. Hong Kong Island, Hong Kong.

24 Q. Looking at the very bottom, do you see the word
25 "destination"?

1 A. Yes.

2 Q. Then there's a caution statement. could you go ahead and
3 read that in full, please?

4 A. Caution for pharmacy compound use only. Caution RX only.

5 MS. MORTAZAVI: Ms. Jung, you can take that down and
6 I'd like you to take a look at Government Exhibit 4020.

7 Q. Once again, can you read the name that is in bold at the
8 very top of the label.

9 A. Ang Shang Pharma Limited.

10 Q. The address that's associated with that --

11 A. Ang Shang Way.

12 Q. Now, you mentioned that the product name listed on this
13 label was trazadone, correct?

14 A. Yes.

15 Q. What's the gross weight of this listed on this label?

16 A. 12 kilograms.

17 Q. What's the EXP date listed here?

18 A. 26th of March 2016.

19 Q. Can you read that into the record please?

20 A. Caution. For pharmacy compound use only. Caution. RX
21 only. Caution. Federal use restricts this drug for use by or
22 on the order of a licensed vet.

23 MS. MORTAZAVI: Ms. Jung, look the original version of
24 government exhibit 4020. Can you blow up the top right-hand
25 side of that.

1 Q. Mr. Folensbee, does it look as if there was text cutoff
2 from this photo?

3 A. Yes.

4 Q. Can you read the portions that are --

5 A. I can close my eyes?

6 Q. Okay. Does it appear that there is -- could you describe
7 the colors associated with this image?

8 A. Green, white and red.

9 Q. If that there appears to be in the middle, could you
10 describe that the best you can.

11 A. E-S with wings.

12 Q. Mr. Folensbee, does this appear to be a UPS label?

13 A. Yes.

14 Q. Was that a UPS container attached to one of the labels that
15 we were just looking at?

16 A. Yes.

17 Q. Do you see the very top above "ship to", could you please
18 read the lines that Ms. Jung just highlighted?

19 A. Lisa Ranger Equestology 125 Jennifer Lane, Felton,
20 Delaware.

21 Q. Underneath the line "ship to", can you go ahead and read
22 out the name and address.

23 A. Seth Fishman, Equestology, 2565 South Ocean Boulevard,
24 Highland Beach, Florida.

25 MR. FASULO: Can you please up Government Exhibit

1 4022.

2 Q. Mr. Folensbee, are these a stack of labels that you
3 photographed at the searched premises?

4 A. Yes.

5 Q. Can you describe that in general?

6 A. These are some of the labels that were used to placed onto
7 the vial?

8 MR. FASULO: Objection.

9 THE COURT: Sustained.

10 Q. Sir, did you take photographs of some of the vials that
11 were found at the search premises?

12 A. Yes.

13 Q. You've reviewed images of those photographs in preparation
14 for your testimony today, correct?

15 A. Yes.

16 Q. You also observed the bottles when you were asked --

17 A. Yes.

18 Q. Do you recognize any labels here from the items that you've
19 photographed or otherwise seized?

20 A. Yes.

21 MS. MORTAZAVI: Ms. Jung, I'd like to go through some
22 of the labels in a bit more detail. If we could focus on the
23 second label from the top.

24 Q. Mr. Folensbee, do you see the name Equestology on this
25 label?

1 A. No.

2 Q. Do you see any company name on this label?

3 A. No.

4 Q. I'd like to read out the line that appears on this label.

5 At the very bottom in white starting with the word

6 "proprietary"?

7 A. Proprietary blends lends directives.

8 Q. Next to the word "directions" go ahead and read what's on

9 this label.

10 A. Intravenous use only, administer of 10 to 15 mils IV slowly

11 four to six hours prior to strenuous exercise.

12 Q. This product is called what?

13 A. Pain X.

14 Q. Do you see an image on the left-hand side of this label and

15 this exhibit?

16 A. Yes. This is horse head.

17 Q. What color is it and what color is the background so we're

18 clear for the record?

19 A. Silver with black.

20 MS. MORTAZAVI: Is we could go back to Government

21 Exhibit 4022 and focus on the label immediately below the one

22 we looked at.

23 Q. Was is the name of this as listed on the label?

24 A. HG Leader Plus.

25 Q. Does there appear to be a company name here?

1 A. Yes.

2 Q. Could you read that out?

3 A. SPP.

4 Q. There's some text below that. I know there's a bit of
5 glare. Are you able to read any of those?

6 A. I believe it's a specialized performance compound.

7 Q. Can you describe the logo that appears around that
8 manufacturer name?

9 A. Red, silver and green with a snake with wings around it.

10 Q. Can you read out the directions that are listed on this
11 label?

12 A. Administered 10 CC IV or IN five or six hours before
13 exercise. This product contains no long test of long range.

14 Q. I'd like you to take a look at the label immediately below
15 the one that we looked at. What's the name of home product?

16 A. Homeogesic.

17 Q. Do you see a logo here?

18 A. Yes.

19 Q. Could you describe it?

20 A. It's a silver and black horse head.

21 Q. Do you see any manufacturer name on the label?

22 A. No.

23 Q. Do you see the word reflexology?

24 A. No.

25 Q. Could you read out the directions?

1 A. Intravenous IV slowly four to six hours prior to exercise.

2 Q. Again, the very bottom line of this label in white could
3 you read it out?

4 A. Proprietary blends of amino assets.

5 MS. MORTAZAVI: Ms. Jung, if we could focus on
6 immediately before that.

7 Q. There appears to be there an image on this label; is that
8 correct?

9 A. Yes.

10 Q. What's the company name that's listed here?

11 A. SPC specialized performance compound.

12 Q. What's the name that appears for the associate with that
13 product?

14 A. Homeopathic analgesic.

15 Q. At the bottom, what's the writing in white text against a
16 blue background starting with --

17 A. Administer intravenously also.

18 MR. FASULO: Objection, judge. There is more writing
19 here.

20 THE COURT: That's fine.

21 Q. Good. Mr. Folensbee, if you could go ahead and read the
22 continuation of that last line?

23 A. All right. [Www.spc/brand.com](http://www.spc/brand.com).

24 Q. If we could go back to Government Exhibit 4022. You've
25 looked at this before today?

1 A. Yes.

2 MS. MORTAZAVI: Ms. Jung, if we could now take a look
3 at 4023, please.

4 Q. Tell us what we're looking at here if you would?

5 A. Another stack of labels.

6 Q. Looking at the very bottom labels, could us just describe
7 what we're looking at?

8 A. A green write and red label with a black out line horse
9 head with the name SP brands.

10 (Continued on next page)

1 MS. MORTAZAVI: And looking eat the second label from
2 the top, Ms. Jung, if you could blow that up?

3 Q. Mr. Folensbee, could you say out loud the letters at the
4 very top of this label in black?

5 A. BPR.

6 Q. And the portion of this after the directions that starts
7 with use, could you read that line?

8 A. Use as directed by a veterinarian.

9 MS. MORTAZAVI: All right. Ms. Jung, if we could go
10 back to Government Exhibit 4302?

11 Q. You've looked at this exhibit before today, correct?

12 A. Yes.

13 Q. Did you see Equestology written on these labels?

14 A. No.

15 MS. MORTAZAVI: Could you pull up 4024, Ms. Jung? And
16 if we could again look at the second label from the top?

17 Q. Mr. Folensbee, does this appear to be another label you
18 photographed the day of the search?

19 A. Yes.

20 Q. Could you read out the directions on the left-hand side of
21 this exhibit?

22 A. Administer 5 to 10 MLs or IM or IV slowly four to six hours
23 prior to strenuous exercise.

24 Q. In the middle of the page, could you describe what's
25 depicted on this label?

1 A. The logo of a horse head with black outline named Equitech,
2 called PSDS pain shot DS.

3 Q. Do you see the word Equestology here, sir?

4 A. No.

5 MS. MORTAZAVI: Ms. Jung, if we could go back to
6 Government Exhibit 4024 and look at the label we were looking
7 at before with Mr. Folensbee?

8 Q. Does there appear to be a company or manufacturer name?

9 A. Equitech.

10 Q. Is that below a horse head logo?

11 A. Yes.

12 Q. Is that similar to several of the horse head logos we've
13 reviewed today?

14 A. Yes.

15 Q. What does the name of this product appear to be, according
16 to this label?

17 A. Serenity.

18 Q. And could you read the directions again? There is a glare
19 on this particular photo, but to the best you can, if you can
20 read that into the record?

21 A. Give 5 to 10 CC IV 24 hours, four hours before stressful.

22 MS. MORTAZAVI: Ms. Jung, if we could pull up
23 Government Exhibit 4027, please?

24 Q. Once again, Mr. Folensbee, is this a stack of labels you
25 took photos of?

1 A. Yes.

2 Q. Could you read the product label of the very bottom label?

3 A. Oxygenator.

4 Q. Could you read the directions?

5 A. Give 10 MLs intravenously 24 hours and four to eight hours
6 prior to strenuous exercise.

7 Q. And to the left-hand side, do you see that there appears to
8 be an image that's covered up with tape?

9 A. Yes.

10 Q. And below that, do you see what looks like an e-mail
11 address -- or, I'm sorry, a website?

12 A. Yes.

13 Q. Could you read that out, please?

14 A. Www.equi-science.com.

15 Q. Thank you.

16 MS. MORTAZAVI: If we could back to Government Exhibit
17 4027?

18 Q. Again, does the word Equestology appear on any of these
19 labels?

20 A. No.

21 MS. MORTAZAVI: Ms. Jung, could we to go to Government
22 Exhibit 4028?

23 Q. Mr. Folensbee, this appears to be an image of a number of
24 vials, of bottles; is that correct?

25 A. Yes.

1 Q. Can you read out the product name here?

2 A. GNRH.

3 Q. And there appears to be a logo on this label as well,
4 correct?

5 A. Yes.

6 Q. Could you describe it, please?

7 A. A horse head.

8 Q. The same horse head as the ones that we've reviewed
9 previously?

10 A. Yes.

11 MS. MORTAZAVI: Ms. Jung, can you pull up Government
12 Exhibit 4029?

13 Mr. Folensbee, is this a closer image of one of the
14 bottles we saw in the prior exhibit?

15 A. Yes.

16 MS. MORTAZAVI: Your Honor, at this time, I'd like to
17 read a stipulation into the record.

18 THE COURT: You may.

19 MS. MORTAZAVI: And once again, I'm going to skip the
20 preliminary portion.

21 And this is Government Exhibit 9012.

22 If called to testify at trial, law enforcement agents
23 with the Federal Bureau of Investigation would testify that on
24 March 9, 2020, law enforcement with the Federal Bureau of
25 Investigation conducted a search of the Golden Shoe Training

Center, a racehorse training facility, at street address 261 Bullville Road, Montgomery, New York 12549. That's the Bullville property. Government Exhibits 1400 through 1413, that's 13, and 9500 through 9505 are physical items, including paper records, seized from the Bullville property at the time of the search, or photographs fairly and accurately depicting the Bullville property or photographs fairly and accurately depicting items taken during the search of the Bullville property.

On March 9, 2020, law enforcement agents with the Federal Bureau of Investigation conducted a search of the Mount Hope Training Center, a racehorse training facility, at street address 335 Guymard Turnpike, Middletown, New York 10940.

Government exhibits 1500 through 1511 and 9600 through 9604 are physical items, including paper records, seized from the Guymard property at the time of the search, or photographs fairly and accurately depicting the Guymard property or photographs fairly and accurately depicting items taken during the search of the Guymard property.

On March 9, 2020, law enforcement agents with the Federal Bureau of Investigation conducted a search of the residence of Jorge Navarro at street address 10477 Southwest 49th Place Cooper City, Florida 33332, the 49th Place property. Government Exhibit 1220 is a photograph fairly and accurately

1 depicting an item taken during the search of the 49th Place
2 property. Government Exhibit 9203 is a physical item seized
3 from the 49th Place property.

4 On or about March 14, 2019, law enforcement agents
5 with the Federal Bureau of Investigation conducted a search of
6 a horse barn used by Christopher Oaks at street address
7 121 Bald Mountain Road, bear Creek Village, Pennsylvania 18702,
8 the Bald Mountain property. Government Exhibits 1100 through
9 1128 and 9300 through 9311 are physical items, including paper
10 records, seized from the Bald Mountain property at the time of
11 the search, or photographs fairly and accurately depicting the
12 Bald Mountain property or photographs fairly and accurately
13 depicting items taken during the search of the Bald Mountain
14 property.

15 And it's further stipulated and agreed by and between
16 the parties that the aforementioned government exhibits and
17 this stipulation may be received in evidence at trial.

18 So, your Honor, the government offers Government
19 Exhibit 9012 and the exhibits referenced within.

20 MR. FASULO: By stipulation, Judge.

21 THE COURT: The stipulation itself is admitted into
22 evidence, as are all of the exhibits referenced in that
23 stipulation.

24 (Government's Exhibit 9012 received in evidence).

25 MS. MORTAZAVI: Thank you, your Honor.

1 Ms. Jung, could you please pull up Government Exhibit
2 1405? This is a photograph of one of the items seized from the
3 search of the Bullville property, the Golden Shoe Training
4 Center, which is a racehorse training facility on March 9th
5 20th, 2020.

6 Could we pull up alongside 1405 Government Exhibit
7 4029, which, again, is a photograph that Mr. Folensbee took
8 during the premises search of the property in Florida.

9 Q. Mr. Folensbee, looking at Government Exhibit 1405 on the
10 left-hand side of your screen, can you read out the portions of
11 this label that are legible in large font at the very top?

12 A. Yes. GNR.

13 Q. Okay. And underneath directions, could you go ahead and
14 read out the portions that are legible?

15 A. Reconstitute with 20 MLs bacterias each ML contains 50
16 micrograms or IV as prescribed by veterinarian.

17 Q. Thank you.

18 And looking at these two exhibits side by side, do
19 they both have labels with green backgrounds?

20 A. Yes.

21 Q. Do they both have the labels GNR?

22 A. Yes.

23 Q. Do they both have silver and green caps?

24 A. Yes.

25 MS. MORTAZAVI: Ms. Jung, can you please pull up two

1 exhibits side by side, that's Government Exhibit 4029, which we
2 were just looking at, and Government Exhibit 1507, which is an
3 item that was seized from the search of the Mount Hope
4 premises, which is another racehorse training center.

5 Q. And focusing on Government Exhibit 1507 for one minute,
6 Mr. Folensbee, can you read the large block letters at the top
7 of this label?

8 A. GNRH.

9 Q. And the directions, whichever portions you can read given
10 the glare?

11 A. Reconstitute with 20 MLs bacteriostatic. Each ML contains
12 50 micrograms GNRH, or IV as prescribed by veterinarian.

13 Q. Does this label have a purple background, sir?

14 A. Yes.

15 MS. MORTAZAVI: Ms. Jung, going back to the two
16 exhibits in their entirety.

17 Q. Does Government Exhibit 507 appear to have a silver and
18 green cap, Mr. Folensbee?

19 A. Yes.

20 Q. Is that similar, if not identical, to the cap in Government
21 Exhibit 4029?

22 A. Yes.

23 MS. MORTAZAVI: Ms. Jung, you can go ahead and take
24 those down and pull up government Exhibit 4039, 4040, 4041?

25 Q. Mr. Folensbee, for the record, are these all images of the

1 same bottle you photographed from different angles?

2 A. Yes.

3 Q. Looking at Government Exhibit 4039, can you just describe
4 for the record what image is depicted here?

5 A. A vial with clear liquid with the label SPC, Specialized
6 Performance Compounds, with a red cap.

7 Q. Is there a logo that shows wings and a snake?

8 A. Yes.

9 Q. All right. Looking at Government Exhibit 4040 for a
10 moment, can you read the portions of this label that you can
11 recognize given the angle?

12 A. Anti-something pain block. Directions, administer 5 TC IV
13 or ingredients --

14 Q. Sir, I'll stop you there. Thank you.

15 MS. MORTAZAVI: Ms. Jung, if we could go back to those
16 three images. And, in fact, Ms. Jung, please take these down.
17 If you could pull up Government Exhibit 4042, 4043, and 4044?

18 Q. Mr. Folensbee, for the record, Government Exhibits 4042,
19 4043, are they the same bottle from different angles that you
20 photographed the day of the search?

21 A. Yes.

22 Q. Looking at Government Exhibit 4042, there appears to be an
23 image depicted on this label; is that correct?

24 A. Yes.

25 Q. And can you describe that image for the record?

1 A. A red, white, and blue snake with wings surrounding it with
2 the letters SPC.

3 MS. MORTAZAVI: Okay. And then Government Exhibit
4 4043, Ms. Jung?

5 Q. Mr. Folensbee, could you go ahead and read into the record
6 the portion of this label that are visible?

7 MR. FASULO: Judge, I'm going to object at this point.
8 May I approach?

9 THE COURT: May you approach? Is that what you said?

10 MR. FASULO: I have an objection, Judge.

11 THE COURT: On the grounds?

12 MR. FASULO: The item speaks for itself. It's not
13 visible to see the entire thing. It's misleading to the jury.
14 They did look at it and ascertain what value it has.

15 THE COURT: They are in evidence, Ms. Mortizavi.

16 MS. MORTAZAVI: Yes, your Honor. All we want to do is
17 read it into the record. It's not anything beyond what is
18 visible in the photo.

19 THE COURT: Can you display the photos, though? You
20 don't need a witness sitting on the stand to just read into the
21 record what's on these exhibits.

22 MS. MORTAZAVI: Certainly, your Honor.

23 Ms. Jung, if you could take these down and pull up
24 Government Exhibits 4016 and 4017?

25 Q. Mr. Folensbee, once again, are these photographs that you

1 took during the search of the same bottle from different
2 angles?

3 A. Yes.

4 MS. MORTAZAVI: All right. I'd like to take down
5 these photos for a moment, Ms. Jung, and shift to asking you
6 some questions, Mr. Folensbee.

7 Ms. Jung, if we could please pull up -- just one
8 moment, your Honor. My apologies.

9 THE COURT: No problem.

10 MS. MORTAZAVI: Government Exhibit 307, which, for the
11 record, is a document that was produced by the company
12 Equestology.

13 Ms. Jung, could you please focus on the middle portion
14 of the page? I'm sorry slightly higher than that. If we could
15 focus on the lower-in chain e-mail. Thank you.

16 And, your Honor, I'm happy to either read it into the
17 record myself or give the jurors a few minutes to read this
18 into the record.

19 THE COURT: You can read it in. Whichever you prefer.

20 MS. MORTAZAVI: Thank you, your Honor.

21 THE COURT: This is in evidence, right?

22 MS. MORTAZAVI: Correct, your Honor. This is a
23 document produced by Equestology from Mary Fox.

24 Sent Wednesday January 4, 2017, to Seth Fishman,
25 SethFishman@hotmail.com. Subject, Lisa needs descriptions to

1 sell more of this product for you and any other new items you
2 are considering.

3 I also need a short explanation, endorse his terms
4 about his new products..if he wants to open the door to them,
5 he needs them to be able to ask and understand the product..

6 And for the record, I'm reading from the very top line
7 of Government Exhibit 307 from Seth Fishman to Mary Fox sent
8 January 4, 2017, cc Lisa Ranger, Equestology@gmail.com.

9 Ms. Jung, if we can go back to the entirety of
10 Government Exhibit 307, and if you could focus on the following
11 page, modified growth factor.

12 Your Honor, I'm going to read this into the record.

13 Modified growth factor for muscles, the peptide was
14 studied for years, and the human version contains a carry
15 molecule that is easily detected.

16 I'm skipping a line here.

17 The peptide specifically targets damaged muscle tissue
18 and accelerates healing. Some have noticed increased RBCs
19 using the product. I cannot recommend using within four days,
20 but there are some using the day before for tie up horses.
21 Since the molecule is altered, the labs could never detect
22 unless a snitch tuned a bottle in, and the racing authorities
23 decided to make a test. This is highly unlikely, but a
24 possibility.

25 Ms. Jung, could we please go back to the first page of

1 this exhibit?

2 And, your Honor, I'm not going to read the entirety of
3 this record, but there are certain portions of this that I'd
4 like to read out now.

5 Heptamo B12, which is followed by a paragraph of text.
6 PSDS. Ms. Jung, no need to focus on that portion of it. Thank
7 you.

8 PSDS with some text that follows, LC 200 with some
9 text that follows, homeogesic with text that follows, and EGH.
10 Ms. Jung, if you could focus on EGH for a moment, Ms. Jung?

11 I'm going to read a portion of this into the record,
12 your Honor.

13 DHEA at the highest concentration and the source was
14 not cheap, so I based but synthesized. DHEA is a prohormone
15 that is predominantly used in human athletes to increase
16 testosterone levels.

17 Ms. Jung, you can take down this exhibit. I'm going
18 to ask you to pull up Government Exhibit 4005.

19 BY MS. MORTAZAVI:

20 Q. Going back to the search you conducted on October 28,
21 2019 -- let me correct myself. The search that you
22 participated in where you were photographing items that other
23 people were seizing, was this taken from that search that day?

24 A. Yes.

25 Q. Can you describe what this image shows?

1 A. It's one of the draws inside one of the refrigerators
2 containing vials labeled ITP.

3 MS. MORTAZAVI: Ms. Jung, can you display Government
4 Exhibit 132AT, please?

5 And I'm going to direct the jurors to their binders if
6 they'd like to follow along in hard copy. It would be
7 tab 132AT.

8 THE COURT: Are you going to be playing a recording?

9 MS. MORTAZAVI: Yes, your Honor.

10 THE COURT: Mr. Lee, can you just turn that speaker so
11 it faces towards the jury? I noticed earlier it seemed a
12 little hard to hear the recording. Thank you. And I'll give
13 the jurors a moment to find their place.

14 MS. MORTAZAVI: If anyone is still searching, it's tab
15 132AT.

16 For the record, while the jurors are finding their
17 place, this is an intercepted wire call between Seth Fishman
18 and Richard Silverman from April 17, 2019.

19 THE COURT: Okay. It looks like we're ready.

20 MS. MORTAZAVI: Ms. Jung, can you please play
21 Government Exhibit 132AT?

22 (Audio played)

23 MS. MORTAZAVI: Before the jurors put their binders
24 away, I ask Ms. Jung pull up Government Exhibit 143CT. If the
25 jurors can turn to the tab in their binders, if they'd like to

1 follow along, this is an intercepted call between three
2 individuals, Seth Fishman, John Pundyk, Geoff Vernon from
3 June 12, 2019.

4 I believe everyone has found their place. If you
5 could please play Government Exhibit 143C?

6 (Audio played)

7 MS. MORTAZAVI: Ms. Jung, if you could take down those
8 exhibits, and I ask you to pull up Government Exhibits 4006,
9 4007, 4008, and 4009.

10 BY MS. MORTAZAVI:

11 Q. Mr. Folensbee, are these photographs that you took during
12 the search that you described?

13 A. Yes.

14 Q. Looking at the left-hand side of your screen, which is
15 Government Exhibits 4006 and 4007, are these two different tubs
16 filled with multiple vials?

17 A. Yes.

18 Q. And 4006 has a label on it. Could you just read that into
19 the record, please, sir?

20 A. Serenity Plus.

21 Q. And the bottom label, does that read Serenity?

22 A. Yes.

23 Q. Looking to the left-hand side of the screen, that's
24 Government Exhibits 4008 and 4009, are these two different
25 angles -- photographs of the same bottle taken from two

1 different angles?

2 A. Yes.

3 MS. MORTAZAVI: Okay. And, Ms. Jung, is there a way
4 for us to focus just on Government Exhibits 4008 and 4009,
5 please?

6 All right. And, your Honor, I'm going to read into
7 the record what's written next to directions on the label for
8 this item, which is labeled Serenity.

9 Give 5 to 10 CC IV 24 hours and four hours before
10 stressful event. Ingredients proprietary sugars and amino acid
11 blend.

12 Ms. Jung, if you could please pull up Government
13 Exhibit 1368T and prepare Government Exhibit 136A.

14 And, again, the jurors can follow along on their
15 screens or in their binders by turning to that tab.

16 For the record, this is a call between Lisa Giannelli
17 and Nicholas Devita that took place April 23rd, 2019.

18 Ms. Jung, if you could please play government exhibit
19 136AT?

20 THE COURT: Ms. Mortizavi, would you find a convenient
21 breaking time?

22 MS. MORTAZAVI: This is actually a convenient breaking
23 time, your Honor.

24 THE COURT: We are going to take out afternoon break
25 down. If you can please leave everything on your seats and do

1 not talk about the case.

2 Sir, you remain under oath, so please don't discuss
3 your testimony with anyone during the break.

4 All right. I'll see everyone back at 3:00 o'clock.
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1 (Jury not present)

2 MS. MORTAZAVI: Could I address the issue relating to
3 Mr. Fasulo's question?

4 THE COURT: Let's do it when we come back at 3:00.

5 MS. MORTAZAVI: Thank you, your Honor.

6 (Recess)

7 THE COURT: Ms. Mortazavi.

8 MS. MORTAZAVI: Your Honor --

9 MR. FASULO: She's in the conference room.

10 THE COURT: Okay.

11 MS. MORTAZAVI: Your Honor, may I stand at the podium?

12 THE COURT: Sure. No problem.

13 MR. FASULO: We're ready.

14 MS. MORTAZAVI: The break was instructive in what
15 Mr. Fasulo and I discussed. I wanted to clarify the basis of
16 his objection previously because I misunderstood it, and he was
17 able to clarify.

18 Even though I had been asking the witness to just read
19 the portion that was legible, I believe I asked him that
20 multiple times, he appeared to be reading portions that were
21 not visible, and plaintiff was objecting to that. I clarified.
22 He does not object to the witness reading into the
23 record Government Exhibits which have already been admitted,
24 which is what I intend to do next.

25 MR. FASULO: I have no objection reading testimony, et

1 cetera. She's going with everything, and we talked about that
2 earlier. However, on some of the photographs, to be honest, I
3 think it's wasting the jurors' time. The photographs speak for
4 themselves, and the witnesses struggle to read the words. You
5 can see the words and let the jurors see themselves. For
6 those --

7 THE COURT: I thought that's what you were saying.

8 MR. FASULO: That's what I am saying.

9 In terms of what we were clarifying in terms of being
10 able to read parts of testimony or have the witness read parts
11 of testimony, I understand that's the objective how they want
12 to get a stipulated transcript in. I still have that objection
13 to --

14 THE COURT: Well, I mean, you're going to have to make
15 the objection if it comes up again. But, Ms. Mortazavi, the
16 point is at a certain point it becomes cumulative to just have
17 the witness keep reading from label after label that is in
18 evidence and the jurors can see the photograph, and secondly,
19 pieces of it are not legible, so he's reading one line and
20 picking up on the next line and missing all the words that are
21 off the photograph on the right-hand side. It's creating kind
22 of a confusing record.

23 So my sustaining of the objection was really on the
24 grounds that it's just all cumulative, and to some extent a
25 little bit misleading, with respect to the photographs.

1 MS. MORTAZAVI: Not an issue, your Honor. And I just
2 wanted to make sure that we were all clear as to the basis for
3 the objection, because I -- and I previewed for Mr. Fasulo. I
4 do plan to go through some of the admitted exhibits that are
5 e-mails and text messages. I will ask the witness to read
6 portions, I will read portions. But that's how we intend to
7 proceed. I understand Mr. Fasulo is saying that's fine.

8 MR. FASULO: That's fine.

9 THE COURT: Thank you. And if he has objections, I'll
10 raise them and I'll rule.

11 MS. MORTAZAVI: Very good.

12 THE COURT: Are we all ready to move?

13 MS. MORTAZAVI: Yes.

14 THE COURT: Mr. Lee, if you can bring in the jurors?
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1 (Jury present)

2 THE COURT: All right. Please be seated, everyone.

3 And, sir, you remain under oath.

4 THE WITNESS: Yes, ma'am.

5 THE COURT: Ms. Mortizavi.

6 MS. MORTAZAVI: Thank you, your Honor.

7 BY MS. MORTAZAVI:

8 Q. Mr. Folensbee, are you familiar with a concept of a case
9 agent?

10 A. Yes.

11 Q. What is that, as you understand it?

12 A. That is a special agent that is in charge of the case that
13 they're working -- they oversee all -- parts of the
14 investigation.

15 Q. You mentioned previously you're not a special agent with
16 the FBI, correct?

17 A. Correct.

18 Q. And so you are not the case agent for this investigation,
19 correct?

20 A. Correct.

21 Q. And apart from taking photographs during the search that
22 you've discussed in your testimony today, did you have any
23 other involvement into this investigation?

24 A. No.

25 Q. Mr. Folensbee, I'd like to review some records into the

1 record solely for the purpose of having you read it into the
2 record.

3 MS. MORTAZAVI: Ms. Jung, can you please display
4 government exhibit 332A?

5 Q. This is a document produced by the company Equestology, and
6 it appears to be an e-mail. Could you please read the name,
7 not the e-mail address, just the name from from line and the to
8 line, and then please read the date?

9 A. From Lisa Ranger to Mary Fox, sent Friday, February 10,
10 2017.

11 Q. What's the subject line?

12 A. More supplies needed.

13 MS. MORTAZAVI: I'm going to be reading from portions
14 of this exhibit, your Honor.

15 This is the body of the e-mail: On our last phone
16 conversation, I had asked if in the future the homeopathic
17 bleeder can be send directly here. Is that in motion? I will
18 be needed more in a very short time. Where is he on the
19 powdered ACTH? I will need that whenever you have it
20 available.

21 Did he get the silver top EQ order in? Approximately
22 when will that be available? I received 134 FHS iron sucrose I
23 will need labels for please. Also, I will be needed folic 5X
24 here in a few months. Not sure if that's been added to the
25 list of products to make. More items. NPX new and old

1 version. As many bleeder pills as he can get. Again, mind as
2 well send to me versus storage down there.

3 Ms. Jung, can you please pull up Government Exhibit
4 329? This is yet another record that was produced by the
5 company Equestology.

6 Q. And, Mr. Folensbee, this appears to be a lower in chain
7 e-mail and a higher in chain e-mail, is that roughly accurate?

8 A. Yes.

9 Q. Looking at the lines below forwarded message, can you read
10 the from, the date, the subject, and to?

11 A. From Lisa Ranger, Wednesday, February 22, 2017, subject,
12 new order to Mary Fox.

13 Q. I'm going to go ahead and --

14 MR. FASULO: Objection, your Honor. This has already
15 been entered in and read to the jury, this exhibit number,
16 through Agent Bush. We're just going to read it again?

17 THE COURT: Is that true?

18 MS. MORTAZAVI: Yes, your Honor.

19 THE COURT: All right. The objection is sustained on
20 the grounds that it's cumulative.

21 MS. MORTAZAVI: Not a problem, then.

22 I ask, Ms. Jung, please pull up Government Exhibit
23 319E.

24 Once again, for the record, this is a document that
25 was produced by the company Equestology. This was once

again -- this is an e-mail thread with a lower in chain e-mail and a higher in chain e-mail.

Q. Mr. Folensbee, could you please read the from, date, subject, and to lines underneath forwarded message in the middle of the page?

A. From Lisa Ranger, Wednesday, June 21, 2017, to Mary Fox, subject, follow-up.

MS. MORTAZAVI: I'm going to read portions of the body of this e-mail into the record.

I need a few things from down there. One, how are you doing on getting the label for the pentosan 80, in parentheses, and the acetylcysteine, 300 in parentheses. Two, I also still need the PG2 and the Serenity on the list from the purchase order I sent you on May 26. Three, I sent another purchase order today for 20 more regular omeprazole ASAP, please. Four, there was also the purchase order for the iron sucrose order that needs to be filled. Five, send whatever else doc is working on and might want this area to have.

Q. And then, Mr. Folensbee, at the very top of the page, do you see there's an e-mail that was sent later than the one I just read into the record?

A. Yes.

Q. Can you go ahead and read the from, sent, to, and subject line?

A. From Lisa Ranger, sent Wednesday, June 28, 2017, to

1 Seth Fishman, subject forward, follow-up.

2 MS. MORTAZAVI: And I'll go ahead and read into the
3 record the body of this e-mail. This e-mail from the 21st went
4 to you also. I've since received the PG2 and Serenity,
5 parentheses, just got it yesterday, with yesterday in all caps,
6 but still need the iron, labels, and rest of the omeprazole, in
7 parentheses, she sent me six bottles with the PG2 and Serenity.

8 Ms. Jung, can you please take down this exhibit?
9 Please pull up Government Exhibits 4010 and 4011.

10 Q. Are these, again, two photographs of the same bottle that
11 you took during your search of the premises?

12 A. Yes.

13 MS. MORTAZAVI: For the record, I'll read out the
14 large text on this bottle, which is Pain Three X.

15 Thank you, Ms. Jung.

16 If we can take these down, Ms. Jung, and pull up
17 Government Exhibit 4034 and 4035?

18 Q. Are these photographs you took of vials that were observed
19 by you during the search?

20 A. Yes.

21 Q. Looking at the left-hand side of the screen,
22 Government Exhibit 4034, do you see that collection of three
23 bottles and four boxes next to it?

24 A. Yes.

25 Q. And those are labeled Equitosan, correct?

1 A. Yes.

2 Q. Looking at Government Exhibit 4035, does that appear to be
3 the front image of one of those four packages?

4 A. Yes.

5 Q. Thank you, sir.

6 MS. MORTAZAVI: Ms. Jung, can we please pull up
7 Government Exhibit 309? This was another e-mail sent from the
8 company Equestology.

9 If we can focus on the middle of the page, the second
10 instance we see the line, from, and if you can take that entire
11 header information and the black text that follows?

12 Thank you very much, Ms. Jung.

13 Q. Mr. Folensbee, can you read once more the from line, the
14 sent line, the to line, and the subject line?

15 A. From Lisa Ranger sent Friday, January 4, 2019, to
16 Seth Fishman, subject, simple terms.

17 Q. And could you read the black text, the three lines here
18 starting with let's try this?

19 A. Let's try this, simple terms, please input for pain, tie
20 up, attitude, inflammation, et cetera. I know you gave
21 description, but I need a one-word blip to catch their
22 attention without me suggesting or telling them. That way they
23 will question, then ask you or me about it.

24 MS. MORTAZAVI: Ms. Jung, if you could go back to the
25 original Government Exhibit 309 and blow up the top portion?

1 Thank you very much.

2 (Continued on next page)

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MS. MORTAZAVI: Thank you very much.

Q. Once again, Mr. Folensbee, if you could read the "from line", the "sent line", the "to line" and then the body of this email.

A. From Seth Fishman, sent Saturday, January 5, 2019, to Lisa Ranger. Please, see below.

MS. MORTAZAVI: All right. Ms. Jung, if we could focus on red text with the black text beside it for a moment. Thank you.

Q. I am going to read out, your Honor, some of these names though I'm not going to be reading the entirety of what's displayed in Government Exhibit 309.

THE COURT: All right.

MS. MORTAZAVI: GNRH factrel androgenic hormone ITTP plus increased oxygen release in blood.

TB7 accelerated tissue repair especially lung tissue.

Oxygenatore increased oxygen release in blood.

EGH increases testosterone.

Homeogesic natural analgesic painkiller.

PSDS natural analgesic painkiller.

BB3 long acting blood builder.

Would only let trusted clients have this.

ACTH, in small doses will act as natural antiinflammatory larger doses 2C or more. Sedation.

1 At the bottom, serenity, sedation.

2 Ms. Jung, you can take this exhibit down. Thank you.

3 Could you please, Ms. Jung, pull up Government Exhibit
4 1412, which is a photograph of an item that was seized during
5 the premise search of the Golden Shoe Training Center which is
6 a racehorse training facility.

7 Going to give the jurors a moment just to look at this
8 label.

9 If you could please now pull up Government Exhibit 320
10 F I.

11 That once more is a record that's produced by the
12 company Equestology.

13 Ms. Jung, if you could focus on the July 22, 2017
14 message sent at 2:03 P.M.

15 I am going to give the jurors a moment to look at
16 this, your Honor. And for the record, there appears to be a
17 gray bubble on the left-hand side of the screen on top of that
18 in blue text is the following:

19 Lisa Ranger cell 302-222-2220.

20 Q. Mr. Folensbee, below is a July 22, 2017 message. Do you
21 see a message July 24, 2017 sent at 9:05 P.M. from that same
22 contact name and number that you just read out?

23 A. Yes.

24 Q. Could you read the text that appears in the gray bubble on
25 the left-hand side of the screen starting with "question from

1 client"?

2 A. Question from client, can you text that so I can forward it
3 to him forward. This power block, how far out do I inject with
4 it and does it test MPA and how long does it last? Do you know
5 offhand? Thank you.

6 MS. MORTAZAVI: And for the record, the bottom
7 right-hand side of the screen is a green bubble, appears to be
8 a text message sent July 24, 2017 at 9:07 P.M. blue text
9 underneath that timestamp reads Seth AA with a number that
10 follows.

11 Q. And in that green message in white text, Mr. Folensbee,
12 could you go ahead and read what is displayed there.

13 A. I would suggest using it two to three days out because it
14 burns. It will not test anywhere. Depending on how about bad
15 the joint is, it can last up to three weeks.

16 (Pause)

17 MS. MORTAZAVI: Could we please pull up Government
18 Exhibit 319-M as in "Mary".

19 And for the record, this is a document that was
20 produced by the company Equestology.

21 Q. Mr. Folensbee, looking at the top of this email, could you
22 once more read the 'from' line the "sent" line, the "to" line?

23 A. From Lisa Ranger sent Tuesday May 24, 2016 to Mary Fox.

24 Q. And I want to read the portion of the body of the email,
25 not the entirety of exhibits. It would sell more but more

1 people need to know it exists. If you could write a short
2 description of each of the new products below in understandable
3 layman's terms it would help his case tremendously, and then a
4 smiley emoticon. Product NPX power block help tam and amblock,
5 EPM double kill. In lower case, it's a great seller but a
6 description could make get it there more and have even greater
7 sales.

8 Ms. Jung, if we could take down this exhibit and
9 please pull up Government Exhibit 319-G.

10 For the record this is another document that was
11 produced by the company Equestology.

12 Q. Mr. Folensbee, could you read the "from" line, the "sent"
13 line and "to" line that appears on this exhibit?

14 A. From Lisa Ranger, sent Thursday, June 23, 2016, to Seth
15 Fishman.

16 Q. And subject line please, sir?

17 A. New products that need short description and uses.

18 Q. I am going to read the first line that appears on the body
19 of this e-mail.

20 Write a short description of each of the new products
21 below in understandable layman's terms. It would help his
22 sales tremendously. Smiley face emoticon. Then there are a
23 list of products that follow. The last item EPM double kill
24 with a line. It's a great seller but a description could make
25 it get it there more and have even greater sales.

1 Could we please take down and pull up Government
2 Exhibit 332-N as in "Nancy" which is once again for the record,
3 a document produced by Equestology. And could you please
4 expand the very top of this exhibit, Ms. Jung, as you are
5 doing. Thank you very much.

6 Mr. Folensbee, if you could read the "from", "sent"
7 and "to" lines here?

8 A. From Lisa Ranger, sent Monday, December 19, 2016 to Mary
9 Fox.

10 Q. I am going to read portions of the body of this email just
11 a reminder to keep on doc about making more folic. I will need
12 that before February, with February in bold. I also need a
13 short explanation in horseman's terms about his new products...
14 if you wants to open the door to them, he needs them to be able
15 to ask and understand the product...

16 And finally, Ms. Jung, could you take down this
17 exhibit and please pull up Government Exhibit 319-U, once again
18 a record produced by Equestology.

19 Ms. Jung, if you could focus on the middle portion
20 that appears to be in a different font from the top portion
21 underneath the line original message, just the first few lines
22 in that email.

23 Thank you, Ms. Jung.

24 Q. Mr. Folensbee, if you could read the "from" line, the "to"
25 line and the "subject" line, as well as the "sent" line.

1 A. From Mary Fox, sent Wednesday, January 4, 2017 to Seth
2 Fishman. Subject, Lisa needs descriptions to sell more of this
3 product for you and any other new items you are considering.

4 MS. MORTAZAVI: I am going to read the first few lines
5 of the body of this e-mail. I also need a short explanation in
6 horseman's terms about his new products. If he wants to open
7 the door to them he needs them to be able to ask and understand
8 the product...

9 With that I have no further questions for this
10 witness, your Honor.

11 THE COURT: All right. Thank you.

12 Mr. Fasulo, cross?

13 CROSS-EXAMINATION

14 BY MR. FASULO:

15 Q. Agent Folensbee --

16 MS. MORTAZAVI: Objection.

17 Q. Mr. Folensbee, you went only to the Florida property; is
18 that correct?

19 A. That is correct.

20 Q. And those photographs that you took were of the Florida
21 property?

22 A. Correct.

23 Q. Did you learn whose property that was that you appeared to
24 the day of the search?

25 A. Yes.

1 Q. Whose property was that?

2 A. Seth Fishman's.

3 Q. And at the time that you arrived there, who was at that
4 property?

5 A. FBI and FDA personnel.

6 Q. Anybody else other than FBI or agents?

7 A. Not to my knowledge.

8 Q. And Ms. Ranger, Ms. Gianelli, she wasn't at that property
9 that day, right?

10 A. Not to my knowledge.

11 Q. You also were asked to read some transcripts into the
12 record here today, correct?

13 A. Yes.

14 Q. And those were not part of your investigation, correct?

15 A. Correct.

16 Q. Other than reading them here, you had no other dealings
17 with those particular transcripts, correct?

18 A. Correct.

19 MR. FASULO: Nothing further, judge.

20 Thank you.

21 THE COURT: Thank you.

22 MS. MORTAZAVI: Thank you, your Honor. And we have no
23 further questions for this witness.

24 THE COURT: All right. Sir, you are excused with the
25 thanks of the Court. Have a good rest of the day.

1 Your next witness?

2 MS. MORTAZAVI: Prior to calling our next witness,
3 your Honor, we would like some of the intercepted calls into
4 the record.

5 THE COURT: All right. You may do that.

6 MS. MORTAZAVI: Thank you, your Honor.

7 Going to ask Ms. Jung to please display Government
8 Exhibit 128-AT.

9 THE COURT: These are all in the jurors' binders?

10 MS. MORTAZAVI: Yes. If they would like to turn to
11 that tab in their binder and I'll ask Ms. Jung to prepare
12 Government Exhibit 128.

13 And, your Honor, if it's all right I'll step to the
14 podium.

15 THE COURT: Yes. And you can take your mask off when
16 you are at the podium.

17 MS. MORTAZAVI: Thank you, your Honor.

18 For the record this is an intercepted call between
19 Seth Fishman and an unidentified male on April 5, 2019.

20 Ms. Jung, it appears everyone has found their place.

21 Yes?

22 If you could please play Government Exhibit 128-A.

23 (Audio played)

24 MS. MORTAZAVI: Your Honor, I have one more
25 intercepted call I'd like to play before we call our witness.

1 If the jurors would like to turn to tab 139-T and I'll
2 have Ms. Jung pull up 139-DT and prepare Government Exhibit
3 139-D.

4 I think the jurors have all found their place and
5 Ms. Jung could you play that call. It's an intercepted call.
6 This is Mr. Fishman and Ms Giannelli speaking on June 4, 2019.

7 (Audio played)

8 MS. MORTAZAVI: Your Honor, we're prepared to call our
9 next witness who is Ross Cohen.

10 THE COURT: All right. Thank you.

11 ROSS COHEN,

12 called as a witness by the Government,

13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. MORTAZAVI:

16 Q. Good afternoon, Mr. Cohen.

17 A. Good afternoon.

18 Q. Can you tell us how old you are, sir?

19 A. I am 50-years-old.

20 Q. Where did you grow up?

21 A. I grew up in Long Island, New York, Windmere, New York.

22 Q. Mr. Cohen, I am going to ask you to keep your voice up to
23 make sure everybody can hear you in the courtroom.

24 Where do you work currently, sir?

25 A. I currently work in Montgomery, New York for Edenbrook.

1 Q. What type of work are you engaged in?

2 A. I sell agricultural and farm supply hays and shaving and
3 straw to farm and to retailers.

4 Q. Prior to that, what did you do for work?

5 A. I trained racehorses.

6 Q. How long did you train racehorses for?

7 A. Approximately, 30 years.

8 Q. Did you attend college, Mr. Cohen?

9 A. Yes. I attended state university of New York in
10 Morrisville.

11 Q. What did you study?

12 A. Animal science.

13 Q. When did you graduate?

14 A. In 1991.

15 Q. What did you do after you graduated from college?

16 A. I worked as an assistant trainer and a groom for
17 standardbred racehorses.

18 Q. Is assistant trainer different from a trainer?

19 A. Yes.

20 Q. Is there a point at which you became a trainer?

21 A. Yes. Approximately, 1994 I opened up my own public stable.

22 Q. Did you have to get licensed in order to work as a trainer?

23 A. Yes.

24 Q. You mentioned you opened up your own public stable. Where
25 was that?

1 A. Yonkers Raceway, in Yonkers, New York.

2 Q. In what state did you get your license?

3 A. New York.

4 Q. Who issued you your trainers license?

5 A. At the time it's the New York State Racing and Wagering

6 Board which is now the New York State Gaming Commission.

7 Q. And have you ever been licensed as a racehorse trainer in I
8 other states apart from New York?

9 A. Yes. I held a license in New Jersey. I held a license in
10 Pennsylvania. I held a license in Massachusetts. I held a
11 license in New Hampshire.

12 Q. Where were you primarily based over your 30-year career as
13 a race horse trainer?

14 A. Primarily, in New York.

15 Q. What responsibilities did you have as a trainer?

16 A. As a trainer I had employees that worked for me that were
17 my responsibility. I had horses under my care that were owned
18 partially by myself and with other owners.

19 Q. You mentioned that you were partial owner of some of the
20 racehorses that you trained?

21 A. Yes, correct.

22 Q. Are trainers always partial owners of racehorses?

23 A. Not all, no.

24 Q. Did you train any horses that you didn't partially own?

25 A. Yes.

1 Q. And just for the sake of clarity, can you tell us how is a
2 trainer different from an owner?

3 A. A trainer oversees the day-to-day activity exercise and
4 care, where an owner just basically is exactly that. He owns
5 the horses. He communicates with the trainer on the status of
6 the animals.

7 Q. And as a licensed trainer in New York, were there rules
8 that you were required to follow?

9 A. Yes.

10 Q. Specifically, were there rules governing what drugs you
11 could give to the racehorses you trained?

12 A. Yes.

13 Q. And the drugs that you could not give the racehorses you
14 trained, correct?

15 A. Yes.

16 Q. What kind of racehorses did you train, Mr. Cohen?

17 A. I trained standardbred racehorses.

18 Q. What kind of horses were those?

19 A. They're horses that have a cart behind them. They are more
20 of a solid workhorse breed as opposed to thoroughbreds who are
21 more finer thinner breed.

22 Q. You mentioned standardbreds are raced with a cart behind
23 them; is that right?

24 A. Correct.

25 Q. They don't have a person riding on the saddle on a

1 standardbred horse?

2 A. No. The driver, as they're called, sits in a cart behind
3 the horse.

4 Q. You mentioned thoroughbreds, correct?

5 A. Yes.

6 Q. Can you just tell us how thoroughbreds race differently
7 than standardbreds?

8 A. Thoroughbreds have a jockey on top of the horse in a saddle
9 sitting in the saddle.

10 Q. Going back to your description of getting licensed as a
11 trainer in the state of New York, can you walk us through the
12 steps that you took to get your racehorse trainer's license for
13 the first time?

14 A. You have to pass a written test with the United States
15 Trotting Association.

16 Q. Mr. Cohen, what is the United States Trotting Association?

17 A. They're a governing body for standardbred racing, harness
18 racing.

19 Q. Do they operate in New York exclusively as you understand
20 it?

21 A. No. They're nationwide.

22 Q. Are they sometimes known as the USTA?

23 A. Right.

24 Q. So you have to get some sort of license from the USTA?

25 A. Yes.

1 Q. Was that sufficient for you to race in New York?

2 A. No. You then need to fill out a license application and
3 submit it to the state and get approval.

4 Q. Over the course of your 30-year career have you had to
5 review your trainer's license in the state of New York?

6 A. Yes.

7 Q. Approximately, how often do people have to renew their
8 trainer's licenses in New York?

9 A. Sometimes annually. Sometimes there's every three years.

10 Q. Apart from trainers, are there other people involved in the
11 racehorse industry who have to be licensed?

12 A. Yes. Officials, grooms, assistant trainers, investigators
13 blacksmiths, vendors have to be licensed.

14 Q. What are vendors?

15 A. People that sell feed at the racetrack or equipment
16 otherwise known as "tack".

17 Q. As far as you know who enforces those rules?

18 A. The commission of each state enforces those rules.

19 Q. And in New York States currently known as New York State
20 Gaming Commission; is that right?

21 A. Correct.

22 Q. As far as you are aware, Mr. Cohen, what steps, if any,
23 does the commission take in New York to try to catch people who
24 might be violating state racing rules?

25 A. They have investigators that will patrol their facilities

1 and they also have post race testing of horses that compete and
2 have finished in a high position that have earned first lane.

3 Q. "Post race" that means after a race, correct?

4 A. Correct.

5 Q. Okay, just to be clear. Are there tests that are conducted
6 or can be conducted apart from post race?

7 A. Yes. Some states have out-of-commission testing where they
8 will travel to facilities where the annals are stabled at and
9 pull a blood sample.

10 Q. Are those like random searches or -- I'm sorry -- random
11 drug tests?

12 A. Yes.

13 Q. And as far as you know, what are the possible penalties
14 that you could face if you give a drug to your racehorse in
15 violation of those rules?

16 A. You will get suspended and possibly fined and the animal
17 will, the owner will have to return any sort of prize money
18 they received for the competition that they participated in.

19 Q. Again, for sake of clarity, how is that prize money can be
20 won with a horserace?

21 A. During the race the animal needs to finish in a top
22 position. Usually, the top five positions in harness racing
23 pay a prize money to the owners.

24 Q. Now you also testified that you were licensed in states
25 apart from New York, correct?

1 A. Yes, correct.

2 Q. And do each of those states have agencies that issue these
3 licenses?

4 A. Yes, they do.

5 Q. Are you generally familiar with each of the agencies that
6 issued you your license?

7 A. Yes.

8 Q. I'd like to ask you about some of those agencies that
9 issued you your trainer's license in those states. Starting
10 with New Jersey, which commission or agency gave you your
11 license in that state?

12 A. The New Jersey Racing Commission.

13 Q. What about Pennsylvania?

14 A. Pennsylvania Horseracing Commission.

15 Q. What about Massachusetts?

16 A. Massachusetts Racing Commission.

17 Q. And each of the states that I just mentioned that you're
18 licensed, do those commissions also regulate what drugs you can
19 and cannot give to your racehorse?

20 A. Yes, they did.

21 Q. And as part of being licensed in each of those states, do
22 you have to have general familiarity of the racing rules in
23 each of those states?

24 A. Yes.

25 Q. Are the rules slightly different in each of those states?

1 A. Slightly.

2 Q. Are there some common rules that apply across all of the
3 states you're familiar with?

4 A. Yes.

5 Q. What about rules regarding giving drugs to horses the day
6 of a race?

7 A. You're not allowed to give any drugs race day.

8 Q. When you say "you're", who you are you referring to?

9 A. Horsing care, trainer or even yourself, you're not allowed.
10 Any racing medication must be given by a veterinarian.

11 Q. Just to be clear again, are trainers permitted to give
12 drugs to their racehorses on race day?

13 A. No.

14 Q. What about the rules on something called blood builders,
15 are you familiar with the term "blood builder"?

16 A. Yes.

17 Q. What is a blood builder?

18 A. A blood builder is basically you know, it's basically
19 something that will build up the red blue cell count or
20 hemoglobin which will help produce healthy red blood cells that
21 carry oxygen throughout the horse's system.

22 Q. Can that be performance enhancing?

23 A. Yes.

24 Q. Can you describe how?

25 A. If you have a higher red blood cell or -- producing

1 healthier red blood cells and oxygen, the horse won't get
2 tired, won't go into oxygen debt as quick.

3 Q. So you mentioned the horse won't get tired?

4 A. Yes.

5 Q. Have you heard of epigon.

6 A. Yes.

7 Q. What is it epigon?

8 A. Epigon is a substance that will help increase the
9 production of red blood cells in an animal.

10 Q. Is that a type of blood builder?

11 A. Yes.

12 Q. Are there other terms used to refer to either blood
13 builders or epigon?

14 A. Epigon can be known as airiness or EPO or Procrit and other
15 blood builders. I guess a lot of vitamins can increase the
16 production of red blood cells as well.

17 Q. Epigon is not the only type of blood builder that exists,
18 correct?

19 A. Correct.

20 Q. Going back to each of the states in which you are licensed.
21 Do each of those states administer drug tests to racehorses?

22 A. Yes.

23 Q. I'd like to go back, Mr. Cohen, to the point at which you
24 became a full-time racehorse trainer and you mention that you
25 stabled your horses in Yonkers, New York, correct?

1 A. Yes.

2 Q. How long were you stabled in Yonkers?

3 A. Till about 1997 for about three/four years.

4 Q. Why did you leave Yonkers?

5 A. I received a trespass letter from Monticello Raceway and
6 they subsequently informed Yonkers Raceway that I was no longer
7 allowed to race at Monticello and they felt that they should
8 abide the same way and asked me to leave.

9 Q. And Monticello Raceway and Yonkers, are both those
10 racetracks?

11 A. Yes.

12 Q. Are those both racetracks in which you had entered horses
13 that were racing?

14 A. Yes.

15 Q. After you received the letter of removal what, if anything,
16 happened to your New York State trainer's license?

17 A. Nothing. I never got suspended before that.

18 Q. Are those two racetracks run by the New York State Gaming
19 Commission.

20 A. Yes.

21 Q. Are they overseen by the New York State Gaming Commission?

22 A. Yes.

23 Q. Are they private property or government property?

24 A. Private property.

25 Q. Okay. And so by getting removed from those tracks, is it

1 your testimony that it had no impact on your New York State
2 trainer's license?

3 A. Correct.

4 Q. Did you continue to race your horses after the letter of
5 removal?

6 A. Yes.

7 Q. In your name or someone else's name?

8 A. Somebody else's name.

9 Q. Where did you move your stable, if anywhere, after that
10 point?

11 A. I moved to Big Z Farm in Mountain View, New Jersey.

12 Q. Like to direct to you to the fall of 2001, a few years
13 after you moved to Big Z Stables, where were you living at that
14 time?

15 A. I was living in Schwartzberg, New York, with Tom Guido.

16 Q. Who is Tom Guido?

17 A. He is a racehorse trainer.

18 Q. How did you know him?

19 A. We had just met, just friends, just being around the farms
20 and racetracks.

21 Q. And at that time were you training racehorses?

22 A. Yes.

23 Q. Where were your racehorse horses stabled?

24 A. At Mount Hope Training Facility.

25 Q. Where is Mount Hope located, if you know, the city and,

1 well, obviously, the state?

2 A. Otisville, New York.

3 Q. Where were Guido's horses stabled at that time, if you
4 know?

5 A. At Mount Hope Training Facility.

6 Q. How long were you stabled at Month Hope Training Facility?

7 A. Approximately, eight years.

8 Q. While you were stabled there, in what racetracks did you
9 enter your horses in races?

10 A. Yonkers Raceway, Meadowlands Racetrack, Monticello
11 Racetrack, Pocono Downs. Those were primarily the places
12 raced.

13 Q. At Mount Hope Training Center, were you and Mr. Guido the
14 only two trainers who stabled horses there?

15 A. No.

16 Q. Approximately, how many other people stabled horses there
17 starting with the fall of 2001?

18 A. Oh, there was probably eight to ten other trainers there.

19 Q. Did that change over time?

20 A. It always fluctuated.

21 Q. Are you familiar with someone called Rick Dane?

22 A. Yes.

23 Q. Who is that?

24 A. He was a trainer that was stabled there.

25 Q. Are you familiar with someone called Renee Allard?

1 A. I know of him.

2 Q. You don't know him personally?

3 A. I've met him on occasion but not someone who is a friend.

4 Q. Who is Renee Allard?

5 A. He was one of the leading trainers in the country of
6 standardbred racehorses.

7 Q. Have you heard the name "Rich Banca" and "Richie Banca"?

8 A. Yes.

9 Q. Who's that?

10 A. He also was a racehorse trainer and was stabled at Mount
11 Hope.

12 Q. Was he stabled a Mount Hope at the same time you were?

13 A. For a briefer period, yeah.

14 Q. At any time when you were, when your horses were stabled at
15 Mount Hope, did you encounter Lisa Ranger?

16 A. Yes.

17 Q. How did you come to meet Lisa Ranger?

18 A. I originally just met her by being introduced to her on a
19 visit to Florida many years earlier to visit Tom Guido when he
20 was stabled at South -- Trotting Center.

21 Q. What do you recall of that visit?

22 A. She was working as his assistant for Dr. Fishman and it was
23 just a brief, Hello. How are you? Nice to meet you.

24 Q. Was that before you were stabled at Mount Hope?

25 A. Yes.

1 Q. And after you were stabled at Mount Hope, did there come a
2 time when you were reacquainted with Lisa Ranger?

3 A. Yes. Richie Banca introduced me to her.

4 Q. Before you met Lisa Ranger, what did Mr. Banca tell you?

5 MR. FASULO: Objection.

6 MS. MORTAZAVI: State of mind.

7 THE COURT: Overruled. You can answer.

8 A. I basically had complained to him about, that I was
9 spending too much money purchasing drugs vitamins that I needed
10 to run my barn and he recommended, that he would talk to Lisa
11 to introduce me, that I could probably pay less money for a lot
12 of the things I was buying.

13 Q. Prior to that conversation had you seen Lisa Ranger at
14 Mount Hope training Center?

15 A. I had seen her some mornings but never spoke to her.

16 Q. And generally speaking, on the morning you observed her,
17 what did you observe her doing?

18 A. She was dropping off packages at different barns.

19 Q. And approximately, how often would you see her dropping off
20 these packages in different Barnes?

21 A. About once a week.

22 Q. After that conversation that you just described with
23 Mr. Banca, were you put in touch with Ms. Ranger?

24 A. Yes.

25 Q. And prior to that conversation with Mr. Banca, have you

1 thought to just introduce yourself to Ms. Ranger?

2 MR. FASULO: Objection.

3 THE COURT: Grounds?

4 MR. FASULO: Relevance.

5 THE COURT: Overruled.

6 MS. MORTAZAVI: You can answer the question,
7 Mr. Cohen.

8 A. I didn't have the nerve.

9 MS. MORTAZAVI: Ms. Jung, could you please display
10 what's already in evidence and has already been displayed as
11 Government Exhibit 403 "N" as in "Nancy".

12 For the record, this is an extraction from cellular
13 phones that were seized from Lisa Ranger's residence.

14 Q. Mr. Cohen, do you see on the left-hand side of this chart
15 "contact"?

16 A. Yes.

17 Q. Can you read the text that appears after the word "name"?

18 A. 52 Ross Cohen.

19 Q. Then looking closer at the middle of the page, do you see
20 words written under the line entries?

21 A. Yes.

22 Q. Do you recognize that phone number?

23 A. Yes.

24 Q. Whose phone numb is it, if you know?

25 A. My cellphone.

1 Q. Okay. And underneath that is an e-mail. Do you recognize
2 that email?

3 A. Yes. That's an old email of mine.

4 MS. MORTAZAVI: Ms. Jung, you can take down that
5 exhibit. Thank you.

6 Q. Mr. Cohen, as far as you knew what, if any, company was
7 Lisa Ranger affiliated with?

8 A. I only had known when I received an invoice that said
9 "Equestology".

10 Q. That was an invoice that came with drugs that you'd
11 purchased?

12 A. Correct.

13 Q. After you were introduced to Ms. Ranger approximately how
14 long after that introduction did you start purchasing drugs
15 from her?

16 A. Almost immediately.

17 Q. What types of drugs did you purchase?

18 A. Vitamins, B complex, B12, folic acid, iron sucros, then
19 some phenobutizone fluixone, otherwise known as banimine,
20 fovacine, just different medications.

21 Q. I want to ask you about a few of those starting with
22 phenobutizone. Is that known by any other names?

23 A. It's known as "bute".

24 Q. How is that drug administered?

25 A. Intravenously.

1 Q. Prior to purchasing it from Lisa Ranger -- withdrawn, your
2 Honor.

3 As far as you are aware what does that drug do?

4 A. It reduces inflammation. Well, it's a nonsteroidal
5 anti-inflammatory.

6 Q. Is that sometimes known as an --

7 MR. FASULO: Objection, judge; leading.

8 THE COURT: You are leading. Sustained.

9 Q. What, if any, acronyms are associated with nonsteroidal
10 antiinflammatory drugs? And if you are aren't aware of any
11 that's perfectly fine.

12 A. I'm a little -- you mean "acronym", other names?

13 Q. Yes.

14 A. There's banimine. Is an antiinflammatory. I don't know of
15 any off the top of my head.

16 Q. Okay. And you also mentioned flunixin?

17 A. That's banimine.

18 Q. How is that administered?

19 A. Can be, it's administered intravenously.

20 Q. Robacine, how is that administered?

21 A. Also intravenously.

22 Q. Of the products that you described, Mr. Cohen, which, if
23 any, of them require prescriptions?

24 A. I want to say --

25 MR. FASULO: Objection, judge, if he knows, he knows.

1 THE COURT: Do you know, sir?

2 THE WITNESS: Most of them do. That's what I know.

3 THE COURT: All right.

4 Q. Apart from the injectable drugs, some of which you just
5 described, did you receive any other drugs from Lisa Ranger?

6 A. I purchased ACTH. Bleeder pills, maybe dexamethasone. I
7 couldn't remember all off the top of my head right now. It was
8 a while ago.

9 Q. No problem, Mr. Cohen.

10 Starting with ACTH, how is that administered?

11 A. Administered intramuscularly.

12 Q. And the bleeder pills, how are those administered?

13 A. Orally.

14 Q. Specifically, are they, can you describe the process by
15 which they're orally given to a horse?

16 A. They could be fed in the horse's feed or they can be mixed
17 in and drenched intranasally through a stomach tube.

18 Q. How does a stomach tube work when you are drenching a
19 horse?

20 A. The tube is inserted through the horse's nostril and down
21 into the stomach.

22 Q. You also mentioned dexamethasone; is that right?

23 A. Correct.

24 Q. Is that known by any other name?

25 A. "Dex" is all I know it as.

1 Q. How is that administered?

2 A. Intravenously or intramuscularly.

3 Q. I want to turn back to the bleeder pills that you say that
4 you received from Ms. Ranger. What, if anything, did she tell
5 you about the affect the bleeder pills would have on a
6 racehorse?

7 A. They would prevent the onset of pulmonary hemorrhaging or
8 bleeding.

9 Q. Can you describe what bleeding is in a racehorse?

10 A. Racehorses when they go into oxygen or get tired a lot of
11 times capillaries will burst in their lungs and they will bleed
12 down deep or sometimes up the trachea and sometimes out the
13 nostrils.

14 Q. What did she tell you about when you should administer
15 bleeder pills to a racehorse?

16 A. She said for best affect to give them day ever before and
17 day of race.

18 Q. That is day before the race and day of the race?

19 A. Correct.

20 Q. For the bleeder pills that you received from Ms. Ranger,
21 did you follow her directions?

22 A. Yes, I did.

23 Q. As far as you know, are you allowed to administer bleeder
24 pill to racehorses the day of the race?

25 A. You are not allowed.

1 Q. Are trainers allowed to administer any drugs to the
2 racehorse the day of the race, as far as you know?

3 A. They are not.

4 Q. As far as you know in what state or states does that rule
5 apply?

6 A. All states that conducts racing.

7 Q. What, if anything, did Lisa Ranger tell you about whether
8 or not the bleeder pills would test positive on the drug test?

9 MR. FASULO: Objection, judge. This is leading.

10 THE COURT: That's not leading.

11 What, if anything, did she tell him?

12 Overruled. You can answer.

13 A. She said that they do not test at this time but there's no
14 guaranty that they will always not test.

15 Q. What, if anything, had you discussed with Lisa Ranger
16 generally about whether or not the drugs she sold would test
17 positive on a drug test?

18 A. If there was ever a thought in my mind to question, I would
19 ask her and I would always get the same answer, that they're
20 not testing at this time but there's always a shot that they
21 will test.

22 Q. How often would you have conversations with her about the
23 test ability of a drug she was offering for sale?

24 A. Maybe once a month.

25 Q. Was testability of those drugs important to you in deciding

1 whether or not to buy a drug she was offering for sale?

2 A. Yes.

3 Q. Why?

4 A. Because I did not want to get suspended and I did not want
5 to get fined and did not want the owners to lose the prize
6 money.

7 Q. How often, approximately, would Lisa Ranger offer you new
8 products she was willing to sell?

9 MR. FASULO: Objection; leading, judge.

10 THE COURT: Not leading. Overruled.

11 You can answer.

12 A. During conversation we might talk maybe once a month.

13 Q. On each of those occasions, what, if anything, did you ask
14 about testability?

15 A. Just the same thing, whether a substance would test or not
16 test.

17 Q. Mr. Cohen, you mentioned that you were stabled at Mount
18 Hope for several years, correct?

19 A. Correct.

20 Q. For what period of that time while you were at Mount Hope
21 were you purchasing drugs from Lisa Ranger?

22 A. Approximately, almost the whole time.

23 Q. How would you place your orders?

24 A. I would call her on the phone and if she was coming up that
25 week she would drop it off when she made her rounds or

1 sometimes she would mail.

2 Q. So, she would sometimes mail you the drugs. Is that what
3 you just said, Mr. Cohen?

4 A. Yes. It would come UPS.

5 Q. Apart from receiving them in shipments, how else would you
6 receive the drugs if you received them in any other way?

7 A. She would drop off packages at the barn the morning she
8 made her rounds.

9 Q. How frequently would you place an order with Lisa Ranger
10 for drugs that she was selling?

11 A. Once a week or once every two weeks.

12 Q. When you spoke with Lisa Ranger, what, if anything, did you
13 talk about with her about your work?

14 A. Pardon.

15 Q. What, if anything, did you mention to her about what you do
16 for a living?

17 A. Oh, she knew I trained racehorses. I didn't really talk
18 about what I did.

19 Q. What, if any, conversation did you have with Lisa Ranger
20 about prescriptions?

21 A. I don't recall having conversations about prescriptions.

22 The only conversation --

23 MR. FASULO: Objection, judge. The question was
24 answered.

25 THE COURT: You've answered the question, Mr. Cohen.

1 Wait for the next question.

2 MS. MORTAZAVI: Just a moment, your Honor.

3 THE COURT: Sure.

4 Q. Mr. Cohen, when you received bottle of, some of the drugs
5 from that you had ordered from Lisa Ranger, can you describe
6 what the labels looked like?

7 A. There were stickers attached with horse's names and Dr.
8 Fishman's name on them from different places.

9 Q. You mentioned that there were horse's names on there?

10 A. Correct.

11 Q. Were they all horses you recognized?

12 A. Some of them were mine. Some of them were other trainers.

13 MS. MORTAZAVI: Ms. Jung, could you please pull up
14 Government Exhibit 320-FE.

15 (Pause)

16 MS. MORTAZAVI: For the record, this is a document
17 that was produced by Equestology.

18 Ms. Jung, if you could please focus on the bottom two
19 messages in this exhibit.

20 (Pause)

21 THE COURT: This is in evidence.

22 MS. MORTAZAVI: This is in evidence, your Honor,
23 stipulated to pursuant to Government Exhibit 9006.

24 THE COURT: All right. Thank you.

25 Q. Mr. Cohen --

1 MR. FASULO: Judge, I'm going to object.

2 MS. MORTAZAVI: Ms. Jung, please take down the
3 exhibit.

4 MR. FASULO: The witness is not a party to this
5 conversation and the government is introducing as part of their
6 evidence in the case.

7 MS. MORTAZAVI: Your Honor, I am.

8 THE COURT: Let's talk at side bar.

9 (Continued on next page)

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1 (side bar)

2 MS. MORTAZAVI: The bottom two messages, your Honor.

3 THE COURT: OK. Have you seen this?

4 MR. FASULO: May I see it again, judge.

5 (Pause)

6 MR. FASULO: Judge, I understand it to be a
7 conversation between Lisa Ranger and Seth Fishman. Neither of
8 them are in the courtroom right now and he shouldn't be privy
9 to information that he wasn't a party to this conversation.

10 MS. MORTAZAVI: Your Honor, I don't know on what basis
11 Mr. Fasulo is making that objection. This witness is clearly
12 not a party to this conversation. There's no suggestion that
13 he is. I expect that he is going to say that he doesn't
14 recall. But I think the government is entitled to highlight it
15 given that it may have a connection to this witness.

16 MR. FASULO: Judge, it would be as if the witness was
17 in the room listening to another witness' testimony or
18 listening to other evidence in the case.

19 THE COURT: It's a document that is in evidence. You
20 didn't object to the document. In fact, as I recall, I think
21 you stipulated to it. So it is in evidence and this excerpt
22 arguably goes to Ms. Gianelli's state of mind.

23 MR. FASULO: Not this witness's state of mind.

24 THE COURT: Correct. And she is the defendant here.
25 It's clearly relevant.

1 MR. FASULO: He is going to hear Ms. Gianelli's state
2 of mind from this piece of evidence and then ask --

3 THE COURT: I don't know what he is going to be asked.

4 MR. FASULO: Well, then, that's what the relevance --
5 I don't see the relevance with this witness and I feel --

6 THE COURT: -- have to be relevant to the issues in
7 the case.

8 MR. FASULO: I understand, judge.

9 THE COURT: Your objection is overruled. It's fair
10 grounds. It's in evidence. We'll hear the next question. You
11 have an objection to the question? If there is one, we'll deal
12 with it.

13 MS. MORTAZAVI: Your Honor, I'd like to suggest a
14 solution which is, I will withdraw the question. I will ask
15 generally about whether he remembers this. I expect he will
16 say no.

17 THE COURT: Whether he remembers what?

18 MS. MORTAZAVI: Whether he remembers asking about this
19 particular substance.

20 THE COURT: Okay.

21 MR. FASULO: I am objecting to that question. I have
22 no objection to that question.

23 THE COURT: We'll see. Okay.

24 Thank you.

25 (In Open Court)

1 BY MS. MORTAZAVI:

2 Q. Mr. Cohen, are you familiar with the substance or product
3 called propanlone bromide?

4 A. Yes.

5 Q. What is that?

6 A. It's a bronchodilator.

7 Q. What is a bronchodilator, sir?

8 A. It helps increase the airways for better breathing.

9 Q. The airways of who or what?

10 A. Racehorses. I don't know if you can use it for humans.

11 Q. But it's something designed for racehorses?

12 A. Yeah. I can't answer. I don't know.

13 Q. It's something that can be used on racehorses is that fair
14 to say?

15 A. Correct.

16 Q. Do you recall having any conversations with Lisa Ranger
17 about that substance?

18 A. I don't recall specifically.

19 Q. Okay. Mr. Cohen, while you were stabled at Mount Hope, how
20 often did you see Dr. Fishman at that location?

21 A. He visited once when I was stabled there.

22 Q. In the approximately seven years you were there; is that
23 right?

24 A. Correct.

25 Q. Who, if anyone, was with him at the one time he was at the

1 Mount Hope Training Center?

2 A. Lisa Ranger was with him.

3 Q. What did you observe that day?

4 A. They walked to most of the barns there and visited with
5 trainers at the facility.

6 Q. What about your barn?

7 A. They stopped by and visited.

8 Q. What did you discuss with those two individuals during that
9 time?

10 A. I actually was, thought I had some troubles with some
11 horses and had some blood work on some horses and I wanted
12 Dr. Fishman to look at the blood work.

13 Q. What else did you discuss?

14 A. I remember that specifically. I don't remember much other
15 specific conversations. He asked me how I was doing and that
16 conversation came up.

17 Q. What, if anything, did he do with respect to your horses?

18 A. Nothing.

19 Q. What do you mean?

20 A. He looked at blood work. We had conversation. He didn't
21 look at any specific animals.

22 Q. What, if anything, did Lisa Ranger say about why he was at
23 Mount Hope that day?

24 A. He needed to come around to the people that were purchasing
25 products in order to, he could say that he looked at animals

1 that he was prescribing medications for.

2 Q. What, if any, prescriptions did he write for you after your
3 conversation with him?

4 A. I don't recall any.

5 Q. Did you consider Seth Fishman a veterinarian for your
6 horses?

7 A. No, I did not.

8 Q. Who was the veterinarian for your horses during the time
9 you were stabled at Mount Hope?

10 A. I used a wide variety. I used Dr. Joe Malone. I used Lou
11 Grasso. I used Dr. Richie Zinn. I used Dr. Brian Lasan. I
12 used Dr. Herby. I used a wide variety of veterinarians.

13 Q. Mr. Cohen, you had mentioned that you had first encountered
14 Lisa Ranger and Seth Fishman in Florida many years prior to you
15 being stabled at Mount Hope; is that correct?

16 A. Correct.

17 Q. And at that time there is some conversation about their
18 relationship, correct?

19 A. I don't understand.

20 Q. You testified previously, Mr. Cohen, and correct me if I'm
21 wrong, that you believed that Lisa Ranger worked for Seth
22 Fishman?

23 A. Right. That was my assumption that she was his assistant.

24 THE COURT: All right. You cannot assume, sir. Do
25 you know?

1 THE WITNESS: I don't know for a fact, no.

2 THE COURT: Okay.

3 MR. FASULO: Move to strike.

4 THE COURT: It is stricken. That means the jurors
5 should disregard Mr. Cohen's assumption that Ms. Gianelli, then
6 Ms. Ranger, worked for Dr. Fishman or was his assistant.

7 Q. So from what you observed, Mr. Cohen, you saw the two of
8 them together in Florida some years prior to the time you were
9 stabled at Mount Hope, correct?

10 A. Correct.

11 Q. While you were stabled at Mount Hope and purchasing from
12 Lisa Ranger, what, if any, conversation did you have with her
13 about Seth Fishman?

14 A. I had asked about some substances and she said I need to
15 talk to Dr. Fishman about it. And I had also talked about some
16 horses that hadn't been racing well and I had blood work and
17 she said I need to show them to Dr. Fishman to get his opinion.

18 MS. MORTAZAVI: I'd like to pull up, Ms. Jung, if you
19 could please pull up Government Exhibit 715, which is an
20 electronic record retrieved from the computer found at Lisa
21 Gianelli's residence.

22 Q. Mr. Cohen, do you see the term "Equestology" in bold at the
23 top?

24 A. Yes.

25 Q. And below that "client list with phone num"?

1 A. Yes.

2 Q. Okay. Looking at this list of names on the first page of
3 this Government Exhibit, do you recognize any of the names
4 here?

5 A. Yes.

6 Q. Approximately, how many?

7 A. Multiple amounts 20, 30.

8 MS. MORTAZAVI: Thank you, Mr. Cohen.

9 Ms. Jung, if we could turn to page two of Government
10 Exhibit 715.

11 (Pause)

12 Q. Do you recognize any names on this page, Mr. Cohen?

13 A. Yes.

14 (Continued on next page)

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1 BY MS. MORTAZAVI:

2 Q. How many?

3 A. Approximately about the same.

4 MR. FASULO: Objection, Judge, relevance.

5 MS. MORTAZAVI: If I may ask my next question? It may
6 be relevant.

7 THE COURT: Let's tie it up.

8 Q. Of those names that you recognize, Mr. Cohen, how many of
9 those are people whose professions you are familiar with?

10 MR. FASULO: Objection.

11 THE COURT: I don't see the relevance yet.

12 Q. All right. I'll direct you to one particular name,
13 Mr. Cohen. Do you see the name Rich Banca in the middle of the
14 page?

15 A. Yes, I do.

16 Q. What's the city and state associated with Rich Banca?

17 A. Otisville, New York.

18 Q. You mentioned that a Richie Banca had introduced you to
19 Lisa Ranger, correct?

20 A. Correct.

21 Q. In what city and state did he live or work?

22 A. In Otisville, New York.

23 MS. MORTAZAVI: Ms. Jung, you can take this down.

24 If we could please turn to page six of Government
25 Exhibit 715.

1 Q. Mr. Cohen, do you see your name on this page?

2 A. Yes, I do.

3 Q. Okay. And there's a city and a state associated with your
4 name, correct?

5 A. Correct.

6 Q. Were you at one point staying in Pine Bush, New York?

7 A. Yes.

8 MS. MORTAZAVI: Ms. Jung, if we could take this down
9 and turn to page seven?

10 Q. And towards the bottom of the page, do you see the name
11 Rick Dane, Mr. Cohen?

12 A. Yes.

13 Q. All right. How do you know Rick Dane?

14 A. I had met him at Mount Hope Training Facility when he
15 stabled there.

16 Q. Okay. When did he do for a living, if you know?

17 A. He trained racehorses.

18 Stabled.

19 MS. MORTAZAVI: Ms. Jung, you can take this down and
20 you can turn to Page 12.

21 Q. Mr. Cohen, do you see the name Tom Guido in the middle of
22 this page?

23 A. Yes, I do.

24 Q. What city and state are you associated with Tom Guido as it
25 appears?

1 A. Montgomery, New York.

2 Q. You mentioned you had lived with a Tom Guido previously?

3 A. Correct.

4 Q. What did he do, if you can tell the jury?

5 A. He trained racehorses.

6 Q. Are you familiar with where he generally lived and worked?

7 A. When I lived with him, he lived in Wurtsboro, New York.

8 Q. Aside from that, were you familiar with where he lived or
9 worked after you stopped living with him?

10 A. He bought Golden Shoe Training Facility and moved there in
11 Montgomery, New York.

12 MS. MORTAZAVI: Staying on Page 12, Ms. Jung, can you
13 please focus on the name Adrienne Hall?

14 Q. And, Mr. Cohen, what city and state are associated with
15 Adrienne Hall?

16 A. Monroe, New Jersey.

17 Q. At the time you were a racehorse trainer, were you familiar
18 with Adrienne hall?

19 A. No.

20 MS. MORTAZAVI: Ms. Jung, if you can please take this
21 down. If you could turn to Page 22 of the exhibit?

22 Q. I'm going to direct you to two names. Do you see
23 Christopher Oaks and Sue Oaks?

24 A. Yes.

25 Q. Is the name Sue Oaks associated with a city and state?

1 A. White Haven, Pennsylvania.

2 Q. Is the name Chris Oaks associated with any city or state?

3 A. No. It's blank.

4 Q. Do you know anyone name Chris Oaks?

5 A. Yes.

6 Q. How do you know him?

7 A. I raced horses with him, and I also sold him performance
8 enhancing drugs.

9 Q. What does he do for a living?

10 A. He trains racehorses.

11 MS. MORTAZAVI: Ms. Jung, if you could please take
12 down this exhibit?

13 And if you could please pull up Government Exhibit
14 707, which is a record retrieved from a computer found in
15 Lisa Giannelli's residence.

16 Q. Mr. Cohen, have you seen this exhibit before today?

17 A. Yes, in a pretrial prep. I think -- yeah. This is a list
18 that was shown to me.

19 Q. At the time you were a racehorse trainer, were you familiar
20 with this list?

21 A. No.

22 Q. Looking at the very top, the text in red, could you read
23 that out?

24 MS. MORTAZAVI: Ms. Jung, if you could blow this up,
25 please?

1 A. It says cold calls.

2 Q. Okay. And below, there's a numbered list of 43 names,
3 correct?

4 A. Correct.

5 Q. Of those names, how many racehorse trainers do you
6 recognize?

7 A. 20, 25.

8 Q. Next to 40, what's the name written there in all caps?

9 A. Rich Banca.

10 MS. MORTAZAVI: Ms. Jung, if you could please take
11 this down?

12 Q. Did there come a time, Mr. Cohen, when you were no longer
13 stabled at the Mount Hope Training Center?

14 A. Yes.

15 Q. When was that?

16 A. Approximately 2009, 2010. I moved to Pine Bush Training
17 Facility in Pine Bush, New York.

18 MS. MORTAZAVI: If I may pause, your Honor, this might
19 be a natural breaking point. I don't know if you want us to
20 break today.

21 THE COURT: It's a little early.

22 MS. MORTAZAVI: All right.

23 Q. Pardon me, Mr. Cohen. I missed the answer to your
24 question. Could you please repeat when it is that you were no
25 longer stabled at Mount Hope?

1 A. Approximately 2009, 2010. I moved to Pine Bush Training
2 Facility in Pine Bush, New York.

3 Q. How long were you stabled at the Pine Bush Training
4 Facility?

5 A. Approximately eight years.

6 Q. And after you left the Mount Hope Training Center, did you
7 keep purchasing drugs from Lisa Ranger?

8 A. Yes.

9 Q. Were you purchasing the same types of drugs generally as
10 those you purchased before?

11 A. Yes.

12 Q. And at the time you were at the Pine Bush Training Center,
13 did you observe Lisa Ranger at that facility?

14 A. Yes.

15 Q. What did you observe her doing, if anything?

16 A. Coming around once a week and dropping off boxes of things
17 to different barns.

18 Q. And how often did Seth Fishman come to the Pine Bush
19 Training Facility during the period of time you were stabled
20 there?

21 MR. FASULO: Objection to the form of the question.

22 THE COURT: Can you rephrase?

23 Q. What, if any, interactions did you have with Seth Fishman
24 during the period of time you were at Pine Bush?

25 A. I did not see him there, but I have spoken to him on the

1 phone.

2 Q. And when you say did you not see him there, I'd like to
3 clarify, did you not see him at the Pine Bush training center?

4 A. Correct.

5 Q. Did you see him anywhere during that period of time?

6 A. No.

7 Q. How often would you order drugs from Lisa Ranger, again
8 during the period of time you were at the Pine Bush training
9 facility?

10 A. Approximately once a week.

11 Q. Who else was stabled at that training facility besides you?

12 MR. FASULO: Objection as to relevance.

13 THE COURT: Overruled.

14 THE WITNESS: Carmen Asiello, Dr. Quitones, Peter
15 Trenton, Brittany Robertson, Paul Bloomingfeld, Augie --
16 Augustino Appatello.

17 Q. Mr. Cohen, I'll stop you there. Why don't you tell us the
18 number of people who were stabled there?

19 A. Approximately five or six different trainers.

20 Q. And when you say trainers, were these all standardbred
21 trainers?

22 A. Yes.

23 Q. Are you familiar with a facility known as Golden Shoe in
24 Montgomery, New York?

25 A. Yes.

1 Q. How are you familiar with that location?

2 A. It is also a standardbred training facility about 5 miles,
3 6 miles away from Pine Bush Training Facility.

4 Q. Have you ever been there?

5 A. Yes.

6 Q. How often?

7 A. I'd be guessing. I couldn't tell you exactly how many
8 times I have been there.

9 Q. Have you ever stabled your horses there?

10 A. No.

11 Q. From the times that you've been there, did you observe the
12 facilities in the premises?

13 A. Yes.

14 Q. From the times you were at that location, were you able to
15 see the number of people who were stabled there?

16 A. Yes.

17 Q. Approximately, how many people were stabled at that
18 facility?

19 A. Approximately five or six different trainers.

20 Q. Mr. Cohen, by March 9, 2020, were you stabled at
21 Mount Hope?

22 A. No.

23 Q. Where were you stabled at that time?

24 A. I had horses in Goshen, New York, Historic Track.

25 Q. Mr. Cohen, you had mentioned in your prior testimony that

1 you had sold performance enhancing drugs to somebody. Do you
2 remember that?

3 MR. FASULO: Objection, Judge. Testimony today?

4 THE COURT: Correct. He said that.

5 MR. FASULO: I was trying to get clarification.

6 THE COURT: You may answer.

7 THE WITNESS: Yes. Yes.

8 Q. And you testified today that you had administered a bleeder
9 pill to your horses the day of a race, correct?

10 A. Correct.

11 Q. During the course of your time as a racehorse trainer, did
12 you administer performance enhancing drugs to your racehorses
13 on more than one occasion?

14 A. Yes.

15 Q. When you did that, did you believe you were violating
16 applicable rules that govern racing horses in New York?

17 A. Yes.

18 Q. And rules in other states?

19 A. Yes.

20 THE JUDGE: All right, Ms. Mortazavi. It is 4:30, so
21 wherever is a convenient breaking point.

22 MS. MORTAZAVI: I'm about to enter a new section, your
23 Honor.

24 THE COURT: How long would it take to finish that?

25 MS. MORTAZAVI: Longer than we have for the day.

1 THE COURT: Why don't we break for the day?

2 Ladies and gentlemen, please leave your notebooks in
3 the jury room, and you can pick them up first thing tomorrow
4 morning. Remember, we will have light breakfast available for
5 you starting at roughly 8:30 tomorrow.

6 Do we have anything we need to discuss tomorrow
7 morning?

8 MS. MORTAZAVI: No, your Honor.

9 MR. FASULO: No, your Honor.

10 THE COURT: All right. So I do have an appointment at
11 8:30 tomorrow morning, so why don't we plan to start at about
12 9:45. But if you all please be here by 9:30 in case my
13 appointment finishes up, we'll get going as soon as we can to
14 try to get things moving along.

15 Do not talk about the case with anybody, including all
16 your family members. Please don't do any research about the
17 case or about the subject matters of the issues that are
18 relevant to this case.

19 And I remind you again, if somehow inadvertently
20 something should come to your attention, please call that to
21 the attention of our courtroom deputy or my clerk, Ms. Popper.

22 All right. So thank you, all. Have a very good
23 evening.

24

25

1 (Jury not present)

2 THE COURT: All right. Please be seated.

3 Mr. Cohen, you are excused for the evening. You
4 remain under oath, though. Tomorrow, we'll be asking you to
5 resume the stand and complete your testimony tomorrow, so
6 please do not talk about the case with anybody while you remain
7 under oath. And I wish you a good evening.

8 THE WITNESS: Thank you, your Honor.

9 THE COURT: You may step down.

10 (Witness steps down)

11 THE COURT: All right. Anything for the record,
12 Ms. Mortizavi?

13 MS. MORTAZAVI: Nothing from the government, your
14 Honor. Thank you.

15 THE COURT: Mr. Fasulo.

16 MR. FASULO: Just one thing.

17 THE COURT: Why don't you come over here?

18 MR. FASULO: So I may articulate it better tomorrow,
19 but I want to articulate to the Court my concern. I understand
20 the government can put in their evidence in whatever order they
21 wish to put in the evidence, and I understand that any written
22 documents are in evidence.

23 What I'm concerned about is, and what my objection is,
24 just like a witness is not present when another witness
25 testifies, if the evidence does not reflect directly on

1 something that witness knows or is involved in, a conversation,
2 to give it to the witness is prompting the witness and
3 refreshing the witness' recollection about something they
4 haven't even indicated they need a refreshment on.

5 THE COURT: It may or may not be. May or may not be.
6 If all Ms. Mortizavi is doing is having the witness read it
7 into the record, she's using them as a prop, which I suppose
8 the witness could object to, but the document is in evidence.
9 There was no question that was being asked --

10 MR. FASULO: I understand. But --

11 THE COURT: We have to take it question by question.
12 You're correct --

13 MR. FASULO: I agree. That's what I said. I do have
14 to do it question by question, and I plan on it. But I just
15 want to alert the government that is what my concern is, is
16 that the witness will then be asked an area of questioning that
17 relates to a document or a conversation that they were not a
18 party of, and then it will appear that the witness is talking
19 fresh in their memory when, in fact, they have now seen a
20 document they really should not be privy to.

21 THE COURT: It may. It just depends on the question.
22 You may be correct, but I can't rule in a vacuum.

23 MR. FASULO: I understand. I had to get it off my
24 chest because it's bothering me.

25 THE COURT: I hope you feel better.

1 MR. FASULO: I do feel better.

2 MS. MORTAZAVI: Just to make the record very perfectly
3 clear, Mr. Fasulo articulated that objection with one exhibit
4 in particular that involved text messages. The Court, I think,
5 correctly overruled that objection, but the government
6 voluntarily decided to withdraw the question.

7 MR. FASULO: They did. They did.

8 THE COURT: That's correct.

9 MS. MORTAZAVI: With respect to the other exhibits
10 that were shown to the witness, the witness was merely asked
11 questions about what was on the page and not necessarily his
12 state of mind or his opinion as to those exhibits, so I do want
13 to make clear that there's some distinction in the exhibits
14 we're talking about. As the Court said, we need to take it
15 question by question.

16 MR. FASULO: Question by question, Judge. I agree.

17 THE COURT: Okay. Anything else for the record?

18 MR. FASULO: Nothing, nothing.

19 THE COURT: All right. Then I'll see you all as close
20 to 9:30 tomorrow, as I am able when I finish my earlier
21 appointment. And we'll aim to pick up the testimony at about
22 9:30, 9:45. You can still stay seated.

23 Do you anticipate you're going to finish with
24 Mr. Cohen tomorrow?

25 MS. MORTAZAVI: Yes, your Honor.

1 THE COURT: And then, your other witnesses?

2 MS. MORTAZAVI: Our next witnesses will be Lenny
3 Ikested who is an FDA agent, Jonathan Fricke, another FDA
4 agent. These are both agents who handled searches. And I
5 believe tomorrow we will begin reading into the record the
6 testimony of Courtney Adams. The witness who will do that is
7 Christina Rusigne.

8 THE COURT: You're fine with that?

9 MR. FASULO: Judge, we're fine with that. And we've
10 talked about a slight instruction or a slight instruction to
11 the jury in the stipulation.

12 THE COURT: To the extent you can submit that to me
13 this evening, that would be helpful.

14 MR. FASULO: We will.

15 MS. MORTAZAVI: We're discussing the language.
16 Mr. Fasulo wanted to give it more thought. We have a draft but
17 we wanted to --

18 THE COURT: We'll have a lunch break. Presumably
19 she'll be after the lunch break.

20 Now, we talked about adjourning tomorrow at 3:00?

21 MR. FASULO: Yes, Judge.

22 THE COURT: So that will be the schedule, then.

23 I hope everyone has a nice evening, I'll see you
24 tomorrow morning. Thank you.

25 (Adjourned to April 29, 2022 at 9:30 a.m.)

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